



## **ST AIDAN'S CE PRIMARY SCHOOL**

### **General Data Protection Regulation (GDPR) Policy & Handbook**

#### **Definitions:**

Data Subject – person who's data you hold

Data Controller – organisation

Data Processor – organisation who holds and shares information

Processing – obtaining, recording, holding, organising, adapting, altering, retrieving, consulting, matching, transmitting, disseminating, making available, aligning, combining, blocking, erasing & destroying

Personal data – any information relating to an identified or identifiable natural person, e.g. name, identification number, location data, online identifier

Consent: 'any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.'

Personal Data Breach – 'a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.'

**Purpose of GDPR – the protection of natural persons in relation to the processing of personal data.**

#### **Principles:**

1. Lawfulness, Fair & Transparency
2. Purpose Limitation
3. Data Minimisation
4. Accuracy
5. Storage Limitation
6. Integrity and Confidentiality

School will review annually which data is collected. Personal data shall be processed lawfully (Section 29 of DPA). Consent will be sought unless the data is statutory. Parents are able to withdraw consent at any time.

Privacy Notices will be completed by staff and parents (on behalf of the child). *See Appendix 1A & 1B.*

#### **Data Retention:**

Data will be retained within an organisation. Dependant on what the information is there are different periods of time for certain data. See <http://irms.org.uk/page/SchoolsToolkit>

[https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016\\_IRMS\\_Toolkit\\_for\\_Schools\\_v5\\_Master.pdf](https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016_IRMS_Toolkit_for_Schools_v5_Master.pdf) (pages 36-57)

Information Society Services are defined as any service normally provided for remuneration, at a distance, by electronic means. This includes all social media usage, any software/programmes used and iCloud storage. School

will ensure that they are compliant with GDPR, a contract will be made and time frames identified re: how long records will be kept. Email accounts need to be compliant; therefore School will use the lancs.sch.uk or Gmail accounts.

Schools will ensure that we work in a transparent way; ensuring parents understand what we do with the data, why we need/collect the data and how it will be used.

**School will follow guidance from the ICO (Information Commissioner's Office).**

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

School will complete a data map. This records: why, whose, what, when, where.

[https://www.inforights.im/media/1271/gdpr\\_part-1\\_toolkit\\_mapping\\_may2016.pdf](https://www.inforights.im/media/1271/gdpr_part-1_toolkit_mapping_may2016.pdf)

It is essential that school will not extract information/data unnecessarily, therefore minimising excessive collection. This is strategic information management.

**Prohibition:**

Special categories are:

Racial/ethnic origin, Political opinions, Religious/philosophical beliefs, Trade Union membership, Genetic/Biometric data, Health data (unless the School has a separate agreement with the School Health team re: information sharing) and Sex life/sexual orientation.

GDPR requires that School 'Processes data in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures.'

Electronic records must be encrypted. At School we will store information on our shared server and Google Drive. All laptops/electronic devices will be password protected with anti-virus software installed. No data will be stored on personal electronic equipment. Therefore as a School we are able to ensure that we maintain confidentiality, integrity, availability and resilience. School will request that the IT Technical provider carry out regular testing, assessing and evaluation of measures.

**Sharing:**

Staff will receive regular training and information regarding changes/updates to the GDPR. If staff have questions they must seek advice from the DPO and reference the document ICO – Data Sharing Code of Practice.

[https://ico.org.uk/media/for-organisations/documents/1068/data\\_sharing\\_code\\_of\\_practice.pdf](https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf)

*See appendix 2A & 2B for checklist.*

Third party data processors will be required to meet all GDPR requirements.

Data sharing out of the EU requires the School to notify all Data Subjects.

School has the following policies and processes to uphold GDPR:

1. Privacy Notices
2. Data Protection Policy
3. Security Policy
4. Retention Schedules
5. Request Process

6. Processes to accommodate data subject rights
7. Incident reporting
8. Data Protection Impact Assessments
9. Staff Training

### **Access/Rights:**

Controllers have a legal obligation to give effect to the rights of Data Subjects;

- Fair processing notices are re-cast as a right
- Rights of subject access
- Right to rectification
- Right to erasure ('right to be forgotten')
- Right to restrict/object
- Right to data portability
- Right not to be profiled (automated processing of personal data)

All Data Subjects have the right to access of their records. The information can be accessed with no fee however copies made are chargeable (price: £10). This process usually is given a 1 month time scale, however in certain complex circumstances this may be a period of 2 months. All Subjects have a right to a fair processing of information.

### **Exemptions:**

- Crime
- Disclosure by law
- Judicial proceedings
- Crown honours & dignities
- Armed Forces (defence purpose)
- Economic well-being
- Legal Professional Privilege (LPP)
- Negotiations
- Research & Stats

### **Obligation:**

School has an obligation to appoint a Data Protection Officer (DPO). The DPO will carry out regular and systematic monitoring of data subjects on a large scale, looking into special categories and personal data relating to criminal convictions & offences.

School will appoint a DPO by means of a 'Buddy' system within WRIST. Each HT will team with another HT to provide support and guidance. *(see appendix 3 for contact details)*

The role of the DPO is:

- the first point of contact for the School and ICO
- has knowledge and understanding of the DPA
- understands the School's structure
- is familiar with School's IT infrastructure and technology
- is independent of decision making
- has the ability to advise the School (with the support from the LA legal team)
- provide advice for the Data Protection Impact Assessments (DPIA) – these are to be completed when necessary

### **Procedure for Breach Reports:**

- ✓ Report to ICO within 72 hours (not investigate)
- ✓ Information to gather for ICO – nature of incident, categories and numbers of records, ID of School, likely consequences for Data Subjects & measures taken
- ✓ High risk data – inform Data Subjects without undue delay

### **Powers of ICO:**

- ❖ Information Notice
- ❖ Assessment Notice
- ❖ Enforcement Notice
- ❖ Penalty Notice
- ❖ Powers of entry & inspection (warrant)

### **References:**

Information Commissioner's Office - <https://ico.org.uk/>

Information and Records Management Society - <http://irms.org.uk/>

GDPR in Schools - <https://www.gdpr.school/>

LCC training facilitated by Philip Jones (26.1.18)

## **Appendix 1A**

### **Privacy Notice (How we use pupil information)**

#### **The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Exclusions/ behavioural information
- Special Educational Needs Information
- Assessment Information

#### **Why we collect and use this information**

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

#### **The lawful basis on which we use this information**

We collect and use pupil information under:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:  
(c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of

uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.

2. Paragraph 1 shall not apply if one of the following applies:

- (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The Education (Information about Individual Pupils) (England) Regulations 2013 - Regulation 5 'Provision of information by non-maintained special schools and Academies to the Secretary of State' states 'Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy (shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.'

The Education Act 1996 - Section 537A – states that we provide individual pupil information as the relevant body such as the Department for Education.

Children's Act 1989 – Section 83 – places a duty on the Secretary of State or others to conduct research.

## Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## Storing pupil data

We hold pupil data for **the 7 years that the children are in school + 1 year.**

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- School nurse

## Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

## Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

## Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact **the school admin officer**.



You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact**

If you would like to discuss anything in this privacy notice, please contact:

**Mrs Leanne Finch (Headteacher)**  
**St Aidan's CE Primary School**

## Appendix 1B

### Privacy Notice (How we use school workforce information)

#### The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)

#### Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid

#### The lawful basis on which we process this information

We process this information under:

##### Article 6

2. Processing shall be lawful only if and to the extent that at least one of the following applies:
  - (c) Processing is necessary for compliance with a legal obligation to which the controller is subject;

##### Article 9

2. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
3. Paragraph 1 shall not apply if one of the following applies:
  - (j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Education Act 2005 sections 113 and 114 - is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records.

## Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## Storing this information

We hold school workforce data for **period of employment + 1 year**

## Who we share this information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)

## Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

### Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

## Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

### Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact **Will Beresford (data protection officer)**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### Further information

If you would like to discuss anything in this privacy notice, please contact:

**Leanne Finch**  
**Headteacher**  
**St Aidan's CE Primary School**

## Appendix 2A

### **Data sharing checklist – systematic data sharing**

Scenario: You want to enter into an agreement to share personal data on an ongoing basis.

*Is the sharing justified? Key points to consider:*

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

*Do you have the power to share? Key points to consider:*

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

*If you decide to share.*

It is good practice to have a data sharing agreement in place. As well as considering the key points above, your data sharing agreement should cover the following issues:

- What information needs to be shared.
- The organisations that will be involved.
- What you need to tell people about the data sharing and how you will communicate that information.
- Measures to ensure adequate security is in place to protect the data.
- What arrangements need to be in place to provide individuals with access to their personal data if they request it.
- Agreed common retention periods for the data.
- Processes to ensure secure deletion takes place.

## Appendix 2B

### Data sharing checklist – one off requests

Scenario: You are asked to share personal data relating to an individual in 'one off' circumstances.

*Is the sharing justified? Key points to consider:*

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

*Do you have the power to share? Key points to consider:*

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

*If you decide to share. Key points to consider:*

- What information do you need to share? – Only share what is necessary. – Distinguish fact from opinion.
- How should the information be shared? – Information must be shared securely. – Ensure you are giving information to the right person.
- Consider whether it is appropriate/safe to inform the individual that you have shared their information.

*Record your decision.*

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

**Appendix 3**

<b><u>DPO Information:</u></b>	
<b>Name</b>	
<b>Telephone Number (work/mobile)</b>	
<b>Email address</b>	
<b>Date of appointment as DPO and review date</b>	
<b>Address</b>	
<b>Job title</b>	