Data Protection Policy

Approved by:	Governing Body
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1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format

2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union

	• Physical and mental health • Sexual orientation • Whether a person has committed, or is alleged to have committed, an offence • Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Director of Cornfields.

The school is registered under Cornfields as a data controller with the Information Commissioner's Office and renews this registration annually.

5. Data protection principles

The Data Protection Act 2018 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed

- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed and in terms of education will be in line for our School with the life span of a pupil's Education and Health Care plan
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

6. Roles and responsibilities

6.1 Responsibility Overview

The Governing Body has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 2018.

Day-to-day responsibilities rest with the headteacher, or the operations manager in the headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

Staff will be expected to sign consent around confidentiality and to agree to any of their personal data being shared with relevant personnel.

6.2 Reactive Responsibility

In the event of a data breach or suspected data breach the matter will be reported to the Headteacher, or the Operations Manager in the Headteacher's absence, immediately. The matter will be risk assessed and actions will be taken which are proportionate to the breach or suspected breach. The matter, including the risk assessment and the actions taken, will be reported to the Chair of Governors as soon as practicable, and certainly within 24 hours.

7. Privacy/fair processing notice

7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

Parents, corporate parents and foster Carers will be asked to agree and sign our GDPR agreement and information letters on their child's admission to school. it is the parent's duty to make the School aware of any changes to updated personal information as it changes and comes into effect.

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

Once our pupils reach the age of 13, we are legally required to pass on certain information to Kent County Council or Medway Council, which has responsibilities in relation to the education or training of 13-19-year-olds. Parents, or pupils if aged 16 or over, can request that only their name, address and date of birth be passed to Kent County Council.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the HR Business Partner.

Staff are also responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:

        - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
        - If they have any concerns that this policy is not being followed
        - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

8. Sharing personal data

8.1 Principles of Data Sharing

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
    - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
    - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us
- The principles of Safeguarding and keeping Children Safe in Education 2020 will always take precedence over GDPR if Safeguarding of an individual is likely to be compromised.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for the purposes of:

- The prevention or detection of crime and/or fraud

- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

8.2. Other Data Protection rights of the Individual

In addition to the right to make a subject access request and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

9. Subject Access Requests

Under the Data Protection Act 2018, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax.

Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

Number of pages of information to be supplied	**Maximum fee (£)**
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00
80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00

200-249	20.00
250-299	25.00
300-349	30.00
350-399	35.00
400-449	40.00
450-499	45.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

10. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

Parents of pupils at this school do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

11. Storage of Records

The following must be observed by all staff:

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

12. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. In doing so we will adhere to the ICO's code of practice for the use of CCTV.

We will not ask individuals' permission to record CCTV images, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Headteacher.

13. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

14. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

15. Training

Our staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

16. Monitoring arrangements

The local governing body is responsible for monitoring and reviewing this policy.

The Director of Cornfields checks that the school complies with this policy by, among other things, reviewing school records annually.

This document will be reviewed **every 2 years**.

At every review, the policy will be shared with the Governing Body

17. Links with other policies

This data protection policy and privacy notice is linked to the freedom of information publication scheme.