

# Manor Hall Academy Trust



## Data Protection Policy

Responsibility for monitoring and reviewing this policy lies with the Headteacher and LAB. A review of this policy and recommendations for change should be presented to the Directors of the trust for verifications.

The Directors of the trust, in line with the Scheme of Delegation and Articles of Association have overall responsibility for the effective operation of MAT policies, but has delegated day to day responsibility to the Headteacher and LAB.

Directors will take account of recommendations from individual schools in review of this policy and seek HR advice as to such revisions.

Date		Version	Reason For Change	Overview of Changes Made	Source
11/12/20		1	Scheduled Review	n/a	Directors
Spring 21		1	Review cycle change	Change of review date	Directors
June 21		2	Review cycle change and change in GDPR law and general strengthening of policy.	1/2/7/10/16 - Removed links to EU legislation and replaced with reference to 'UK data protection Law' 6 – change of DPO. 8 – addition of Privacy Notices 9 – inclusion of statements 9.2 – addition of statements 11 – addition of 3 statements 11.3 – addition of statements 20 – training to be refreshed every year by all staff 22 - changed review period to annual as now recommended by Department of Education	Directors
May 22		2	Review cycle	No major changes – just update in link to ICOs guidance on surveillance cameras	Standards and Strategy Committee
Summer 23		3	Review Cycle	Formatting changes and changes to the order of items. Headings added for missing sections.	Directors/ Standards and Strategy Committee
Summer 24		4	Review cycle	Added section concerning the area of Artificial Intelligence as per the Key best practice document – added as section 14.	J Plant

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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 UK data protection law.

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 UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#) and the 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](#).

It meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data.

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

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.

In addition, this policy complies with our funding agreement and articles of association.

## 3. Definitions

Term	Definition
<b>Personal data</b>	Any information relating to an identified, or identifiable, individual.  This may include the individual's: <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
<b>Special categories of personal data</b>	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious or philosophical beliefs</li><li>• Trade union membership</li><li>• Genetics</li><li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li></ul>

	<ul style="list-style-type: none"> <li>• Health – physical or mental</li> <li>• Sex life or sexual orientation</li> </ul>
<b>Processing</b>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## 4. The data controller

Our trust processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The Trust, and as a result its individual schools registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

A certificate of registration should be displayed in every schools and also in the central offices. A copy of the certificate can be obtained via the Trust by emailing [office@manorhall.academy](mailto:office@manorhall.academy)

## 5. Roles and responsibilities

The Board of Directors have overall responsibility for compliance with the GDPR.

This policy applies to **all staff** employed by our Trust, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### 5.1 Local Advisory Board (LAB)

The LAB has overall responsibility for ensuring that the academy complies with all relevant data protection obligations.

### 5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the board of directors via the Standards and Strategy Committee and, where relevant, report to the board their advice and recommendations on school data protection issues.

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The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Our DPO is Mrs K Staples and is contactable via [dpo@manorhall.academy](mailto:dpo@manorhall.academy)

### **5.3 Headteacher/ Data Protection Lead**

The headteacher's act as the representative of the data controller on a day-to-day basis but may delegate responsibility to a Data Protection Lead.

### **5.4 All staff**

Staff are 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 by recording it in GDPR Sentry
  - 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

## **6. Data protection principles**

The UK GDPR is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

## **7. Privacy Notices**

Our Trust and schools inform the following groups of people on how their data is collected, processed and stored. The privacy notices also outline if any information is shared with third parties such as the Local Authority and DfE to whom it may be passed.

- Applicants for new roles
- Workforce
- Suppliers
  
- Governors, Directors and other Volunteers
- Visitors

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- Parents and Carers
- Students

## 8. Collecting personal data

### 8.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

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We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

## 8.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance to the [Information and Records Management Society's toolkit for schools](#).

## 9. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations 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

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

- 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.

Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

## 10. Subject access requests and other rights of individuals

### 10.1 Subject access requests



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Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with?
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The safeguards provided if the data is being transferred internationally

Subject access requests must be submitted in writing, either by letter, email or fax to the Headteacher or Data Protection Lead. All access requests should be logged with the DPO via GDPR Sentry . They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO via the GDPR Sentry System.

If the SAR is concerning the central team, the request should go direct to the DPO via [dpo@manorhall.academy](mailto:dpo@manorhall.academy)

## **10.2 Children and subject access requests**

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

## **10.3 Responding to subject access requests**

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge

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- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interest
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts
- If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

#### **10.4 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 9), 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, official authority or legitimate interests
- Object to decisions based solely on automated decision making or profiling ((i.e. making decisions or evaluation certain things about an individual based on personal data with no human involvement, which may 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 Headteacher. All requests should be logged with the DPO. If staff receive such a request, they must immediately forward it to the DPO via the GDPR Sentry System.

## **11. Parental requests to see the educational record**

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

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Although as an academy there is no automatic parental right of access to the educational record, but we may choose to provide this information within 15 school days of receipt of a written request. Charges may apply appropriate to the request.

## 12. Information Classification and Protective Marking

All the Manor Hall Academy Trust information will be classified into one of the following categories of Protective Marking

Where the document has information which crosses over the categories the highest one must be used.

Access to information classified as OFFICIAL and OFFICIAL-SENSITIVE must be limited to those authorised to view it. Access must be granted only to those who require it in order to perform their jobs. OFFICIAL and OFFICIAL-SENSITIVE information must always be protected against unauthorised access. This means that users must be required to supply a user name and password, or equivalent, in order to gain access to the information.

Information must be stored securely in order to prevent unauthorised access. Stored information should be appropriately backed up to protect it against loss.

Documents must also be securely destroyed after use, e.g. shredded. Destruction markings should also be included in the footer ie 'Securely destroy after use'.

Information that is protectively marked up must keep its protective marking when it is printed, copied or transferred to portable media. Protective marked information should be printed, copied or transferred to portable media only when necessary. All protectively marked media in portable form must be protected in transit and stored securely; it must not be left unattended without protection. For advice on encryption please contact a member of the ICT Team.

The Trust will ensure that all school staff, independent contractors working for it, and delivery partners, comply with restrictions applying to the access to, handling and storage of data classified as OFFICIAL or higher.

NOT PROTECTIVELY MARKED	OFFICIAL	OFFICIAL - SENSITIVE
<p><b>Information that is published by the Trust, its schools, or made available to the public, or that is freely available. There is no requirement to use the</b></p>	<p><b>The majority of information that is created or processed by the Trust and its schools, including that related to routine business operations and services, some of which could have damaging consequences if lost, stolen or published in the media.</b></p>	<p><b>A limited subset of OFFICIAL information that could have more damaging consequences (for individuals, the Trust or its schools) if it were lost, stolen or published in the media, where there is clear and justifiable requirement to reinforce the 'need to know'.</b></p>
<p><b>This includes:</b></p> <ul style="list-style-type: none"> <li>Information that the trust/school publishes, for example on its website;</li> <li>Other information the trust/school makes available to its community or members of the public, even though it does not routinely publish it;</li> <li>Other information the trust/school holds that is freely available</li> </ul>	<p><b>This includes:</b></p> <ul style="list-style-type: none"> <li>The day to day business of the trust/schools, service delivery and public finances;</li> <li>Safety, security and resilience;</li> <li>Commercial interests, including information provided in confidence and intellectual property;</li> <li>Individual people – personal information that must be protected under the Data Protection Act 1998 or other legislation (eg health record).</li> </ul> <p>The word <b>OFFICIAL</b> should be written in capital letters when it is being used as a term to classify information.</p>	<p><b>This includes</b></p> <ul style="list-style-type: none"> <li>There could be more serious consequences (for individuals, the Trust or its schools) in the event that the information is lost, stolen or published in the media;</li> <li>There is a clear and justifiable requirement to restrict access solely to those who have a business need to know the information and are within the trusted group.</li> <li>Particularly sensitive information relating to identifiable individuals, where inappropriate access could have damaging consequences (for example, information related to health, sex life or sexual orientation, biometrics, genetics, trade union membership, religious</li> </ul>

		<p>or philosophical beliefs, political opinions, racial or ethnic origin, disciplinary proceedings).</p> <ul style="list-style-type: none"> <li>• Commercially sensitive information (for example, related to contracts or financial matters).</li> <li>• Information that if disclosed inappropriately could compromise the operation effectiveness, internal stability or security of the trust and its schools.</li> <li>• Applies to all information which is due to be destroyed</li> </ul> <p>The wording <b>OFFICIAL-SENSITIVE</b> should be written in capital letters when it is being used as a term to classify information and should be clearly and obviously marked.</p>
<p><b>Additional Guidance</b></p>	<p><b>Additional Guidance</b></p> <ul style="list-style-type: none"> <li>• Most pupil or staff personal data that is used within educational institutions will come under the <b>OFFICIAL</b> classification</li> <li>• Consideration should be given to whether or not OFFICIAL information needs to be marked with its classification. For example, if it is considered necessary to draw attention to the fact that the information would not be expected to appear in the public domain the OFFICIAL marking should be applied</li> </ul>	<p><b>Additional Guidance</b></p> <ul style="list-style-type: none"> <li>• some data eg the home address of a child at risk will be marked <b>OFFICIAL-SENSITIVE</b>.</li> </ul>
<p><b>Examples and rationale</b></p> <ul style="list-style-type: none"> <li>• <b>School Life and Events</b> - School term times, holiday, training days, the curriculum, sports events and results, extra-curricular activities, displays of pupils work, lunchtime menus, extended services, parent consultation, homework and resources, school prospectus.</li> <li>• <b>Messages and alerts</b> - General, anonymous alerts ie about school closures</li> </ul> <p>The technology used to display the information is publicly available or has</p>	<p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• <b>Learning and Achievement</b> - Information on how parents can support their individual child's learning, academic achievement, assessments, attainment, progress with learning, behavior, IEPs.</li> <li>• <b>Messages and Alerts</b> - Attendance, behavioural, achievement, sickness, school closure, transport arrangements and other information that it may be important to inform or contact a parent about as soon as possible. This may be particularly important when it is necessary to contact a parent concerning information that may be considered too sensitive to make available using other online means.</li> </ul>	<p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• <b>Safeguarding</b> - information pertinent to child protection issues</li> <li>• <b>Learning and Achievement</b> - communications which contain the home address where a child is at risk. The school should make a decision whether to release the information.</li> </ul>

been subscribed by the parents/carers in order to receive the information e.g via an app, message or email	This information can be logged into by parents or carers but it is via a secure platform. Information concerning how to access this information is sent to the nominated email address of the parent/carer.	
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### 13. Biometric recognition systems

*Note that in the context of the Protection of Freedoms Act 2012, a “child” means a person under the age of 18.*

Where we use pupils’ biometric data as part of an automated biometric recognition, we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school’s biometric system(s). We will provide alternative means of accessing the relevant services for those pupils

Parents/carers and pupils can object to participation in the school’s biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil’s parent(s)/carer(s).

Where staff members or other adults use the school’s biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

### 14 Artificial Intelligence

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. We recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, We will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

### 15. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO’s [code of practice](#) for the use of CCTV.

We do not need to ask individuals’ permission to use CCTV, 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 at any school should be directed to the headteacher or Data Protection Lead.

## 16. 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 for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

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.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all relevant parents/carers (or pupils where appropriate) have agreed to this.

Where the school takes photographs and videos, 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.

See our safeguarding policy/code of conduct policy for more information on our use of photographs and videos.

## 17. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing data protection impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

## **18. Data security and storage of records**

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 10 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 as for school-owned equipment.
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 10)

## **19. Disposal of records**

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

For more information please see Data Retention Policy on Parago.

## **20. Personal data breaches**

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, the DPO must be notified via recording the incident on Sentry as soon as the breach has been disclosed.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

## **21. Training**

All staff and Local Advisory Board ("LAB") Members are provided with data protection training as part of their induction process and every 2 years thereafter via Sentry or National College

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

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## 22. Data Impact Risk Assessments (DIRA)

Information Risk Assessments will be carried out by Information Asset Owners to establish the security measures already in place and whether they are the most appropriate. The risk assessments will involve:

- Recognising the risks that are present
- Judging the level of the risks (both the likelihood and consequences; and
- Prioritising the risks

Risk assessments are an ongoing process.

## 23. Use of Cloud Services

When using any cloud based services, the Trust will ensure that our schools meet all of their obligations under the RPA, ensuring full compliance with the eight Data Protection Principles. Whilst school and pupil data may be stored and controlled in the cloud by a supplier, responsibility for all areas of data protection compliance still rests with the school.

The Trust schools use the Microsoft Office 365 cloud service. This service provides email, calendars, file storage and more for both pupils and staff. PS Financial Cloud for the finance system.

Below is a list of questions that the Trust considered when selecting our preferred cloud services provider.

- Where is the data stored?
- How often is the data backed up?
- Does the service provider have a clear process for recovering data?
- How does the service provider protect your privacy?
- Who owns the data that you store on the platform?
- Who has access to the data?
- Is personal information shared with anyone else?
- Does the service provider share contact details with third party advertisers? Or serve users with ads?
- What steps does the service provider take to ensure that your information is secure?
- How reliable is the system?
- What level of support is offered as part of the service?

As of October 2014 the DfE and Information Commissioners Office (ICO) created a self-certification framework for cloud service providers. School are able to use the checklists to support their assessment of the extent to which the cloud services from a particular supplier meet their educational, technical and commercial needs in a DPA-compliant manner. The Microsoft response to the self-certification framework demonstrates that the Office 365 cloud service allows our schools to meet their obligations under the Data Protection Act.

## 24. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed **every year** and shared with the full governing board.

*Note: the 1-year review frequency here reflects the information in the Department for Education's advice on statutory policies.*



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## **25. Links with other policies**

This data protection policy is linked to our:

- Freedom of information publication scheme
- Safeguarding policy
- Staff Code of Conduct
- E-safety Policy
- Acceptable Use of ICT
- Data Retention Policy

## Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Headteacher who will inform the DPO
- The Headteacher/DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- The DPO will alert the headteacher and the chair of governors
- The headteacher with discussion with the DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss
  - Unauthorised reversal of pseudonymisation (for example, key-coding)
  - Damage to reputation
  - Loss of confidentiality
  - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on the school's computer system.
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned

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- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored on the school's computer system. The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

### **Actions to minimise the impact of data breaches**

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

#### ***Sensitive information being disclosed via email (including safeguarding records)***

- *If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error*
- *Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error*
- *If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it*
- *In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way*
- *The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request*
- *The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted*

*Other types of breach could include:*

- *Details of pupil premium interventions for named children being published on the school website*
- *Non-anonymised pupil exam results or staff pay information being shared with governors*
- *A school laptop containing non-encrypted sensitive personal data being stolen or hacked*
- *The school's cashless payment provider being hacked and parents' financial details stolen*