MODEL DATA PROTECTION POLICY including FREEDOM OF INFORMATION POLICY

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School Data Protection Lead Caroline Lambert
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Version Control

Version	Author(s)	Date Produced	Amendments
2.0	Amy Brittan	01/09/23	Rewrite of Data Protection / FoI Policy 2019 Changes: • Updated staff / governor training expectations in Sections 5, 6 and 10 • Updated Data Protection Impact Assessment • Updated Roles of DPO and DPL • Updated Appropriate Policy Document • Updated data breach process section • Checked all links • General formatting to reflect SSE rebrand • Removed footnotes and integrated into text
2.1	Amy Brittan	03/09/24	• 5.1.f Updated link to staff training video • 12.1.d updated section on records retention • 10.4.a/b changes for emphasis on Cyber Response Plan • 10.4.i changes to back-up requirements • Minor changes throughout for 'data protection impact assessment'
2.2	Amy Brittan	02/05/25	• Changes throughout for readability • 'Pupil' replaced with 'student' throughout for consistency • Section 7: clarified consent process including obtaining consent from both parents if separated • Appendix 5: clarified when ID checks and consent may be required to process a subject access request

Introduction

1.1. Everyone has rights with regard to the way in which their personal data is handled. During the course of our daily activities we will collect, store and process personal data about our students, workforce, parents and others. This makes us a data controller in relation to that personal data.

1.2. We are committed to the protection of all personal data and special category personal data for which we are the data controller.

1.3. The law imposes significant fines and reputational penalties for failing to lawfully process and safeguard personal data and failure to comply with this policy may result in penalties being applied.

1.4. All members of our workforce must comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary or other action.

About this policy

2.1 The types of personal data that we may be required to handle include information about students, parents, our workforce (including staff, volunteers and governors) and others that we deal with. The personal data which we hold is subject to certain legal safeguards specified in the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and other regulations (together 'Data Protection legislation').

2.2 This policy and any other documents referred to in it set out the basis on which we will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources.

2.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2.4 This policy sets out rules on data protection and the legal conditions that must be satisfied when we process personal data.

Definition of data protection terms

3.1 A list of definitions is included in Appendix 1.1 to this policy.

Data Protection Officer

4.1 We are required to appoint a Data Protection Officer (DPO - **see Appendix 3**). Our DPO is Amy Brittan and can be contacted at dposchools@somerset.gov.uk

4.2 The DPO is responsible for ensuring compliance with the Data Protection legislation and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPO.

4.3 The DPO will provide us with an annual report on compliance including reported data breaches, requested for information and other interactions with our staff throughout the year.

4.4 Other day to day matters will be dealt with by The Data Protection Lead (DPL - **see Appendix 3**), The Headteacher, Deputy Headteacher, and the Senior Administrator with the full support and guidance of the DPO.

Responsibilities of the Trust/Academy/School

5.1 We are committed to protecting and respecting the confidentiality of sensitive information relating to staff, students, parents and governors. We will:

a) Follow the key principles of Data Protection legislation including the 6+1 principles of UK GDPR (**see Appendix 1.2**);
b) register with the Information Commissioners Office (ICO);
c) keep an up-to-date Data Asset Audit/ Record of Processing Activities (ROPA) which lists all our known uses of personal data including the lawful basis for processing under Data Protection legislation, who it is shared with, where it is stored (including transfer out of the UK), how long it is retained for, and how it is kept secure;
d) verify that all systems that involve personal data or confidential information will be examined to see that they meet Data Protection regulations (see **paragraph 10 Data security**);
e) inform all users about their rights regarding data protection;
f) ensure that staff complete regular data protection training including the 2024-25 video training provided by the DPO here https://safeshare.tv/x/czocTFK0Zv4
g) ensure that staff complete regular cyber security training including the training from the National Cyber Security Centre https://www.ncsc.gov.uk/information/cyber-security-training-schools
h) monitor its data protection and information security processes on a regular basis, changing practices if necessary (see **paragraph 10 Data security**).

Responsibilities of Staff, Governors and Volunteers

6.1 All staff, governors and volunteers are responsible for checking that any information that they provide to us is accurate and up to date.

6.2 Staff, governors and volunteers will complete regular data protection training as instructed by the school.

6.3 All staff, governors and volunteers are responsible for ensuring that any personal data they use in the process of completing their role:

a) is not in the view of others who do not have the authority to view the data;
b) is kept securely in a locked cabinet when not being used;
c) is stored on a secure local or network drive;
d) if on a school PC or laptop, that the device is locked when the staff member is out of the room;
e) that passwords for school systems are not shared with other staff members or students;
f) if kept on removable storage (laptop, tablet, USB memory stick) approved by the school, that this is password protected and encrypted. The data held on these devices must be backed up regularly and this is the responsibility of the individual;
g) is not disclosed to any unauthorised third party (this includes verbal disclosures of confidential information);

h) is assessed and approved by the Senior Leadership Team or the DPL with advice from the DPO (see **Appendix 4 Data Protection Impact Assessment**) if used within an app, webservice or other application.

6.4 Staff, governors and volunteers should follow the security measures set out in **paragraph 10 Data security.**

6.5 Staff, governors and volunteers will report any loss, theft or mishandling of personal data promptly to the data protection lead.

6.6 Staff, governors and volunteers should note that unauthorised disclosure or transgression of the above statements or security measures in may result in disciplinary or other action.

6.7 Staff and Governors should ensure that they use their professional school email address provided for **only** school-related business and communication. All communication remains under our control and may be disclosed as part of a Subject Access Request (**see Appendix 5**)

6.8 If using a personal device to access school emails, the staff member / governor will take care not to download any personal information about students or other staff to their personal device, and respond to emails within the email app.

6.9 Staff and Governors will follow the email retention policy as laid out in **paragraph 12 Data retention policy including Records Management.**

6.10 When Staff and Governors leave employment or their term of office ends they are required to hand over all personal data belonging to other students or staff. They must not remove any personal data without our permission. Taking personal data with no lawful basis may be a criminal offence.

Informing parents/guardians and seeking consent

7.1 We will inform the Parents/Guardians of the importance of the personal data we use and the importance of keeping this up to date. This process will include at least an annual data collection sheet (with the return of this document being recorded) and reminders to update personal information (e.g. contact numbers) in newsletters and at tutor or class meetings.

7.2 Consent will be sought regarding matters of non-statutory use of personal data such as the use of images in publicity materials and online publishing including social media. The returns to these permissions will be recorded and exemptions communicated to staff.

7.3 In relation to all students under the age of [12/13] years old we will seek consent from an individual with parental responsibility for that student. If estranged parents cannot agree on consent, we will consider this as no consent in place, in line with guidance from the DfE https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility#obtaining-consent

7.4 We will generally seek consent directly from a student who has reached the age of [12/13], however we recognise that this may not be appropriate in certain circumstances. If we consider that the student does not understand their privacy rights and cannot give informed consent, we will seek consent from the parent of the student.

7.5 If consent is required for any other processing of personal data of any data subject, then the form of this consent must:

a) inform the data subject of exactly what we intend to do with their personal data
b) require them to positively confirm that they consent – we cannot ask them to opt-out rather than opt-in
c) inform the data subject of how they can withdraw their consent.
d) Any consent must be freely given, which means that we cannot make the provision of any goods or services or other matter conditional on a data subject giving their consent.

7.6 The DPO must always be consulted in relation to any consent form before consent is obtained.

7.7 A record must always be kept of any consent, including how it was obtained and when.

Rights of the data subject

8.1 All people having personal data stored in our systems have the right to:

a) obtain from us confirmation if personal data concerning him or her (or their child) is being processed;
b) Where this is the case, have a copy of the personal data and the following information:

(i) the purposes of the processing;
(ii) the third parties that the data will be shared with;
(iii) the period for which the personal data will be stored;
(iv) the existence of the right to request to correct, erase or restrict processing of personal data if the data can be proved to be incorrectly held;
(v) the right to lodge a complaint with a supervisory authority;
(vi) where the personal data is not collected from the data subject, any available information as to its source.

c) if exemptions are placed on any of the data above, because of safeguarding or other issues, the existence of this data will be declared.

8.2 We will place on its website a Privacy Notice regarding the personal data held about students and why it is processed. Privacy Notices for workforce and governors will be distributed to data subjects and be held on the school network. These will be based on the DfE's privacy notices here https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices

8.3 Access to the data is called a Subject Access Request. Any person who wishes to exercise this right (or their parental right) should make a request (which does not need to be in writing) and submit it to the Headteacher/Chair of Governors/Board of Trustees. The process for dealing with a Subject Access Request is outlined in **Appendix 5**.

8.4 We aim to comply with requests for access to personal information as quickly as possible and in accordance with advice from the ICO and other professional agencies.

8.5 For further information on how we uphold the rights of the data subject please see **Appendix 1.3**

Freedom of Information request policy

9.1 We are committed to openness and transparency and this policy sets out the procedures and obligations on us when a Freedom of Information request is received.

9.2 The Freedom of Information Act allows anyone to request information without giving a reason. The request must state the name and address of the person as well as what information they are seeking. When a request is received this will be considered and the information, if held, will be provided unless one of the exemptions in the Act applies.

9.3 **Making requests**: Requests for information should be made clear and addressed to Caroline Lambert at office@avishayes.co.uk.

9.4 **Responding to requests**: Any request made to us will be complied with in accordance with the time limits in the Act. For schools, this is 20 school days (i.e. not including weekends, holidays or school closure days) or 60 working days if this is shorter. The school will inform the DPO of the request.

9.5 **Charges:** We will respond to most requests free of charge and only charge where significant costs are incurred. The school may choose to charge a fee for complying with requests for information under FOI. The fees will be calculated according to FOI regulations and the person notified of the charge before information is supplied. We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum.

9.6 **Exemptions:** Whenever a request for information is received it will be reviewed with consideration given to whether one of the exemptions set out in the Act applies. Common exemptions include the data protection of others, confidentiality, the request going beyond the cost limit and prejudice being caused to the effective conduct of public affairs. There are other exemptions that may also be relevant. Where an exemption is being relied on to prevent disclosure of information, we would inform you that this is the case in our refusal notice.

9.7 Publication scheme:
The Avishayes Primary School has adopted the Information Commissioner's model publication scheme and explanatory note, stating what information can be accessed and the process for accessing information.

9.8 **Complaints:** Anyone who has made an FOI request to us and who is not happy with the response that has been received can have an internal review of how their request has been handled. This will be generally carried out by a senior member of staff who was not involved in the initial request response. If a requester wishes to have an internal review, this should be requested within two months of the initial decision being communicated. Once an internal review request is received, we aim to conclude the review and communicate the outcome of this within 20 school days. Following an internal review, if the requester is still not happy with the response, they have the right to complain to the Information Commissioner's Office.

9.9 The process and record keeping for FOI requests is given in **Appendix 6**.

Data security

10.1 We will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

10.2 We will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

10.3 Security procedures include:

a) **Entry controls:** any stranger seen in entry-controlled areas should be reported to a member of the Senior Leadership Team
b) **Staff network and software permissions: s**taff will only have the level of permissions required for their role. When staff leave the School all their permissions and accounts will be deleted.
c) **Data walks:** the DPL and governor conduct an annual data walk to assess the risk of data loss around the school, including physical security. The record of the walk and findings forms part of our monitoring documentation.
d) **Data on display:** all personal data on display has been assessed for risk and minimised where necessary. Consent has been sought for display where we do not have a legal, public interest, or legitimate interest in displaying personal data.
e) **Secure lockable desks and cupboards**: desks and cupboards should be kept locked if they hold confidential information of any kind, or information which would cause distress or harm if it were disclosed. Student exercise books are not locked away as we have assessed the risk of data loss to be disproportionate to the cost of storage.
f) **Data Protection Impact Assessments:** we will carry out a Data Protection Impact Assessment when using software or online tools which may, if breached, cause harm to the rights and freedoms of individuals. These risk assessments will be carried out with the support of the DPO (see **Appendix 4 Data Protection Impact Assessment)** The risk of data being transferred in and out of the UK will also be assessed.
g) **Methods of disposal:** paper documents will be shredded. Digital storage devices will be physically destroyed when they are no longer required. IT assets are disposed of in accordance with the ICO's guidance on the disposal of IT assets.
h) **Data retention**: to minimise the risk of data being lost or mishandled, we will not retain data including emails any longer than is required by law or where there is a business need. **See paragraph 12 Data retention policy.**
i) **Equipment:** staff must ensure that individual monitors do not show confidential information to passers-by and that they log off from their device when it is left unattended.
j) **Working away from the school premises – paper documents. Sample statement:**
Staff are permitted to take children's work/exercise books and markbooks home, ensuring that they are stored safely, e.g. when in transit, car doors to be locked if leaving the vehicle. Staff are discouraged from taking home documentation such as SEND reports, but on occasion this may be necessary. When necessary, such documentation should be stored securely in folders marked CONFIDENTIAL and be stored in closed bags so they cannot be seen. e.g. through a car window. All staff are responsible for the safe handling of student personal data when taken off-site and any loss or disclosure to third parties must be reported to the school data protection lead as soon as possible.
k) **Working away from the school premises – electronic working**. **Sample statement:**
Staff are encouraged to access electronic documents via remote secure home access. When this is not possible, the school provides encrypted data sticks to store any data. If staff are using personal devices e.g. laptops and PCs for school business, care must be taken to ensure that family members or other third parties do not access any information relating to students at the school. A personal laptop or PC must have up to date virus protection. If staff believe student personal data may have been disclosed to third parties, this must be reported to the school data protection lead as soon as possible.
l) **Document printing:** documents containing personal data must be collected immediately from printers and not left on photocopiers.

10.4 Specific cybersecurity measures include:

a) **In the event of a cyberattack: s**taff must follow our procedure e.g. turn off devices and inform the school office and do not connect device to the school network until it has been checked by the school technician.
b) **Cyber Response Plan:** if systems are infected, we will follow the Cyber Response Plan and Business Continuity Plan and inform the school's technician and Action Fraud. If personal data has been accessed, disclosed or is irretrievable, we will follow the Data Breach procedure in Section 11.
c) **Password security:** staff are prompted to change network passwords every 90 days and passwords must be complex and not repeated. Staff will be reminded to change their email passwords annually, particularly if they have never changed their password since their account has been created. Passwords will not be shared with any other user.
d) **Admin password security:** we will retain all high-level login details for their systems including administrator passwords for the network, wireless connections, anti-virus, and remote learning systems. The login details will be kept securely in the school office.
e) **Permissions:** user access to systems will be regularly reviewed by the school technician and access will be removed or downgraded when no longer required e.g. when a user has left our setting. All access will be reviewed annually as part of end-of-year tasks.
f) **Anti-virus and firewall protection**: we will have appropriate systems in place to protect against cyberattack, ransomware and compromised accounts. This will be annually checked by the school technician.
g) **Encryption:** all devices that have access to data attached to the network are fully encrypted in line with current guidance from the Council.
h) **Personal devices:** personal devices may connect to the network with SLT permission but in full compliance with the ICT policies and this permission may be withdrawn at any time. Our technical support will inform the owner/user that if a mobile device connects to the internet connection, then the device's online activity will be monitored and logged by the School's Internet Service Provider.
i) **Back-ups:** information including data on our management information system and the school network drives is backed up in 3 places – 2 onsite, and 1 off site - at regular intervals determined by the school's technical support. Our technician will carry out annual testing of the back-ups to ensure that information can be restored in the event of the systems being compromised.
j) **Staff cybersecurity training:** staff will complete the National Cyber Security Centre's Training for School Staff https://www.ncsc.gov.uk/information/cyber-security-training-schools to increase awareness of possible risk. This will be part of induction for new staff and a requirement for existing staff.
k) **Acceptable User Agreements:** staff and learners will sign and follow our appropriate Acceptable Use Agreements. Our technical support will sign and follow the specific AUA for technicians.

10.5 Any member of staff found to be in breach of the security measures may be subject to disciplinary action.

Data breaches

11.1 If there is a data breach, we will inform the DPO who will then advise on any actions.

11.2 Any data breaches will be recorded, comprising the facts relating to the personal data breach, its effects and the remedial action taken as shown in **Appendix 7.**

11.3 If there is judged to be a significant risk to the rights and freedoms of the affected data subject, we will communicate the breach to the data subjects with the support of the

DPO.

11.4 In the case of a personal data breach where there is a significant risk of harm to the rights and freedoms of data subjects, the ICO should be informed as soon as possible and **within 72 hours of notification**. Further investigation of the breach can take place after this notification in line with advice from the DPO and the ICO.

11.5 When reporting a breach, Data Protection legislation states that we must provide:

a) a description of the nature of the personal data breach including, where possible:
b) the categories and approximate number of individuals concerned; and
c) the categories and approximate number of personal data records concerned;
d) the name and contact details of the data protection officer or other contact point where more information can be obtained;
e) a description of the likely consequences of the personal data breach; and
f) a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects, and to minimise risk of a repeated incident.

Data retention policy including Records Management

12.1 We have a comprehensive scheme for records management which is made up of policies, procedures, systems, processes and behaviours.

12.2 Our scheme ensures that we have reliable evidence of our actions and decisions which is available for reference and use when needed. This supports us to comply with the Accountability Principle of UK GDPR.

12.3 Our Records Management is overseen by the following staff: the Headteacher, Finance and Operations Manager; the Data Protection Officer.

Our scheme includes the following:

a) **Data Protection and Freedom of Information Policy**: this explains our legal responsibilities as a data controller; how staff will process records securely; how we have technical and physical security in place; how we manage access to records; how we manage data loss or mismanagement; and how long we keep data for.

b) **Data Asset Audit (Record of Processing Activities or ROPA):** this is a statutory document (to comply with Article 30 of UK GDPR) and lists all the data we process in school, where it is, who it is shared with, our lawful basis for processing, and our retention schedule.

c) **Data Protection Officer**: our Data Protection Officer provides strategic advice and supports the school to comply with statutory legislation including effective records management and monitors the school's compliance through audits and an annual report.

d) **Retention Schedule**: we follow guidance from our Local Authority on records retention, to ensure that we are compliant with legislation, including Keeping Children Safe in Education. We also follow the 2019 Information and Records Management Society's Schools Records Management Toolkit for schools.

e) **Privacy Notices:** these explain to data subjects how we will keep their records in a way that is compliant with the law.

f) **Data breach log:** we have a record of incidents of personal data loss or disclosure.

g) **Subject Access / Freedom of Information request log:** we have a record of any requests for information relating to records held by the school.

h) **Staff training:** our staff receive induction and update training on how to keep personal data and records safe and have completed the National Cyber Security Centre training on cyber risks, to protect the integrity and security of our records.

i) **Acceptable User Agreements:** all staff and parents (on behalf of students) sign an acceptable user agreement which states how they will use technology in school including how they will access records held on the server or other systems such as SharePoint.

j) **Technical security systems**: we have an external technician, Steve Pugsley, who ensure that our firewall and anti-virus systems are up to date; that records are backed up and retrievable; that threats to our systems are identified and addressed.

k) **Management Information System support**: the school procures support from the SSE MIS Support Service to ensure that our system is up to date, secure and compliant.

l) **Destruction of confidential waste**: We have confidential waste sacks in the office for the shredding of sensitive and Special Category personal data.

m) **Secure destruction of hardware**: we retain certificates of secure data destruction from third party contractors with appropriate professional accreditation when hardware is removed from the school e.g. photocopiers, computers or devices.

n) **Emails**: we have a clear email retention policy of one week. Emails containing personal information of students or staff members which may be required for learning or safeguarding purposes are attached to the student or staff members SIMS or My Concern and permanently deleted from our email system.

Reporting policy incidents

13.1 Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data should raise the matter with the Head Teacher or Chair of Governors.

Monitoring and evaluation

14.1 This policy will be monitored and reviewed in line with our policy review procedure.

14.2 We will monitor the implementation of the policy through annual data protection walks around the school site to ensure that the school's requirements are followed by staff. These walks will be conducted by the in-school Data Protection Lead and a governor.

Appendix 1.1: Data Protection terms and definitions

Term	Definition
Data	Information which is stored electronically, on a computer, or in certain paper-based filing systems.
Data Asset Audit / Record of Processing Activities (ROPA)	The inventory of all the data processed during our daily activities including the lawful basis for processing, who it is shared with, where it is transferred (including out of the UK), how long it is retained for, and how it is kept secure.
Data Subjects	For the purpose of this policy include all living individuals about whom we hold personal data. This includes students, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
Personal Data	Any information relating to an identified or identifiable living natural person (a data subject); an identifiable living natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Data Controllers	The people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection legislation. We are the data controller of all personal data used in our business for our own commercial purposes.
Data Users	Those of our workforce (including governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
Data Processors	Any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
Processing	Any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.
Special category Personal Data	Information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.

Appendix 1.2: Rights of the data subject and how we uphold them

1. **The right to be informed:** Data subjects are informed of how we process their personal data through Privacy Notices.

2. **The right of access:** Data subjects may request access to all personal data we hold about them. Such requests will be considered in line with the school's Subject Access Request Procedure.

3. **The right to rectification:** If a data subject informs us that the personal data we hold about them is inaccurate or incomplete then we will consider that request and provide a response within one month. If we consider the issue to be too complex to resolve within that period, then we may extend the response period by a further two months. If this is necessary, then we will inform the data subject within one month of their request that this is the case. We may determine that any changes proposed by the data subject should not be made. If this is the case, then we will explain to the data subject why this is the case. In those circumstances we will inform the data subject of their right to complain to the ICO at the time that we inform them of our decision in relation to their request.

4. **The right to erasure**: Data subjects have a right to have personal data about them held in our systems erased only in the following circumstances.
   - Where the personal data is no longer necessary for the purpose for which it was originally collected.
   - When a data subject withdraws consent – which will apply only where we are relying on the individuals consent to the processing in the first place.
   - When a data subject objects to the processing and there is no overriding legitimate interest to continue that processing – see above in relation to the right to object.
   - Where the processing of the personal data is otherwise unlawful.
   - When it is necessary to erase personal data to comply with a legal obligation.
   - If we offer information society services to a student and consent is withdrawn in respect of that student in relation to those services.

   We are not required to comply with a request by a data subject to erase their personal data if the processing is taking place:
   - to exercise the right of freedom of expression or information
   - to comply with a legal obligation for the performance of a task in the public interest or in accordance with the law
   - for public health purposes in the public interest
   - for archiving purposes in the public interest, research or statistical purposes
   - in relation to a legal claim.

   If we have shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this proves impossible or involves a disproportionate effort. The DPO must be consulted in relation to requests under this right.

5. **The right to restrict processing**: Data subjects have a right to 'block' or suppress the processing of personal data. This means that we can continue to hold the personal data but not do anything else with it.
   We must restrict the processing of personal data:
   - where it is in the process of considering a request for personal data to be rectified (see above)
   - where we are in the process of considering an objection to processing by a data subject
   - where the processing is unlawful, but the data subject has asked us not to delete the personal data

- where we no longer need the personal data but the data subject has asked us not to delete the personal data because they need it in relation to a legal claim, including any potential claim against us.
- If we have shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any restriction, unless this proves impossible or involves a disproportionate effort.

The DPO must be consulted in relation to requests under this right.

6. **The right to data portability**: In limited circumstances a data subject has a right to receive their personal data in a machine-readable format, and to have this transferred to another organisation. If such a request is made, then the DPO must be consulted.

7. **The right to object**: In certain circumstances data subjects may object to us processing their personal data. This right may be exercised in relation to processing that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task carried out in the public interest. An objection to processing does not have to be complied with where we can demonstrate compelling legitimate grounds which override the rights of the data subject. Such considerations are complex and must always be referred to the DPO upon receipt of the request to exercise this right. In respect of direct marketing any objection to processing must be complied with. We are not, however, obliged to comply with a request where the personal data is required in relation to any claim or legal proceedings.

8. **Rights in relation to automated decision making and profiling:** We will carefully consider whether we take any decisions about any individuals by automated means. This includes any decisions made solely by automated means, and which have a legal effect in relation to the individual. This might include, for example, a decision as to whether to employ an individual. We consider it to be unlikely that this would apply to us as there is always likely to be an element of human intervention in any decision making. However, we will keep this under review.

Appendix 2: Appropriate Policy Document

1. Scope

The Data Protection Act 2018 outlines the requirement for an appropriate policy document to be in place when processing special category and criminal offence data under certain specified conditions.

In order to operate effectively, we must process personal data listed in Schedule 1 of the Data Protection Act 2018. Almost all of the conditions in Schedule 1 of the Data Protection Act 2018 require an Appropriate Policy Document in place.

We are committed to demonstrating that its processing of Schedule 1 conditions is compliant with the requirements of the UK General Data Protection Regulation (UK GDPR) Article 5 principles. This Appropriate Policy Document therefore complements our Record of Processing Activities under Article 30 of the UK GDPR and provides special category and criminal offence data with further protection and accountability.

2. Description of processing which requires an appropriate policy document

Schedule 1, Part 1 – Conditions relating to employment, social security and social protection.

- Employment, social security and social protection
- Processing personal data concerning health in connection with our rights under employment law.
- Processing data relating to criminal convictions under Article 10 UK GDPR in connection with our rights under employment law in connection with recruitment, discipline or dismissal.

Schedule 1, Part 2 – Substantial Public Interest Conditions

Statutory etc. and government purposes

- Fulfilling the school's obligations under UK legislation for the provision of education to school aged children
- Complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.
- We may also process criminal offence data under this condition.

Equality of opportunity or treatment

- Ensuring compliance with our obligations under legislation such as the Equality Act 2010.
- Ensuring that we fulfil our public sector equality duty when carrying out our work.
- Ensuring we provide equal access to our services, to all students in recognition of our legal and ethical duty to represent and serve students.

Preventing or detecting unlawful acts

- Processing data concerning criminal records in connection with employment in order to reduce the risk to us and safeguard students and the wider community.
- Disclosing data to support the prevention or detection of unlawful acts.

Protecting the public against dishonesty etc.

- Processing data concerning dishonesty, malpractice or other improper conduct in order to safeguard and protect students and the wider community.
- Carrying out investigations and disciplinary actions relating to our employees.
- Regulatory requirements relating to unlawful acts and dishonesty etc.

- Assisting other agencies in connection with their regulatory requirements.

Support for individuals with a particular disability or medical condition

- To provide services or raise awareness of a disability or medical condition in order to deliver services to individuals.

Counselling

- For the provision of confidential counselling organised through Occupational Health, advice or support or of another similar service provided confidentially.

Safeguarding of children and individuals at risk

- Protecting vulnerable children and young people from neglect, physical, mental or emotional harm.
- Identifying individuals at risk while attending emergency incidents.
- Obtaining further support for children and individuals at risk by sharing information with relevant agencies.

Insurance

- Information that is necessary for insurance purposes.

Occupational pensions

- Fulfilling the School's obligation to provide an occupational pension scheme.

Schedule 1, Part 3 – Additional Conditions Relating to Criminal Convictions, etc.

- We may process personal data relating to criminal convictions in connection with its service obligations or as part of recruitment and employment checks to safeguard and protect students and the wider community against dishonesty.

3. Data Protection Principles

Article 5 of the UK GDPR states that personal data shall be:

- Processed lawfully, fairly and transparently
- Collected for specific and legitimate purposes and processed in accordance with those purposes
- Adequate, relevant and limited to what is necessary for the stated purposes
- Accurate and, where necessary, kept up-to-date
- Retained for no longer than necessary, and
- Kept secure

In addition, Article 5 requires that the data controller shall be responsible for, and able to demonstrate compliance with, these principles (the accountability principle).

Processed lawfully, fairly and transparently

- We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices and policy documents.
- Our processing for purposes of substantial public interest are necessary to exercise our functions which are outlined in legislation.
- Our processing for the purposes of employment relates to our obligations as an employer.
- We also process special category personal data to comply with other obligations imposed on us in our capacity as an educational institute e.g. the Equality Act.
- The Senior Leadership Team and Governors oversees policy work and monitors compliance in all areas of Information Governance, as outlined in its terms of

reference.

- We carry out Data Protection Impact Assessments to ensure processing is fair and lawful.

Collected for specific, explicit and legitimate purposes

- We process personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions, where it is necessary for complying with or assisting another to comply with a regulatory requirement, to establish whether an unlawful or improper conduct has occurred, to protect the public from dishonesty, preventing or detecting unlawful acts or for disclosure to elected representatives.
- We are authorised by law to process personal data for the purposes outlined above.
- We process personal data only when it is necessary and proportionate.
- If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.
- We will not process personal data for purposes incompatible with the original purpose it was collected for. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

Adequate, relevant and limited to what is necessary for processing

- We collect personal data necessary for the relevant purposes and ensure it is not excessive.
- The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.

Accurate and kept up to date with every effort to erase or rectify without delay

- Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified without delay. We have processes in place to help people do this.
- If we decide not to either erase or rectify it, for example because the lawful basis we rely on to process the data means these rights don't apply, we will document our decision.

Kept in a form such that the data subject can be identified only as long as is necessary for processing.

- All personal data processed by us, unless retained longer for archiving purposes, will be retained for the periods set out in our retention schedules. See **paragraph 12 Records Management.**
- We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs.
- Our retention schedule is reviewed regularly and updated when necessary.
- We anonymise data when possible.

Processed in a manner that ensures the appropriate security

- We will carry out risk assessments taking into account state of the art technical measures, the costs of implementation and the risk/likelihood to individuals if a security breach occurs and the effect of any security breach on the School itself.
- Both the School and its processors shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.
- When assessing appropriate organisational and technical measures, the School Business Manager (DPO) and Head Teacher will consult with other relevant services, such as ICT, Human Resources and Audit.
- Our Senior Leadership Team and Governors meet regularly to ensure suitable information security governance is deployed throughout our setting.
- Employees are required to undertake a Disclosure and Barring Service (DBS) check.
- All of our staff are trained in data protection matters and our contracts include confidentiality clauses.
- Technical security controls such as encryption are employed to secure sensitive information within systems.
- Role-based access controls are implemented to restrict access to sensitive data.
- Where possible, anonymisation or pseudonymisation are used to reduce the risk of sensitive data being compromised.

Accountability principle

- The appointment of a Data Protection Officer.
- Taking a 'data protection by design and default' approach to our activities.
- Maintaining documentation of our processing activities.
- We have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high risk processing.
- Regularly reviewing our accountability measures and updating or amending them when required.
- The Senior Leadership Team and Governors are responsible for ensuring that the school is compliant with Information Governance duties.
- All staff are routinely trained in key areas, including data protection.

4. Additional special category processing

We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices.

5. Evaluation

The appropriate policy document will be subject to an annual review to ensure that it matches service delivery and the personal data we are processing.

Appendix 3: Roles of the Data Protection Officer and Data Protection Lead

Purpose

The Data Protection Officer (DPO) is responsible for monitoring compliance with current data protection law, and has the knowledge, support and authority to do so effectively. They oversee and verify the school's data protection processes and advise the school on best practice.

Within each school there will be a Data Protection Lead (DPL), who maintains contact with the DPO and is responsible for assisting in monitoring with compliance and verifies the school's data protection practices on a day to day basis.

Data Protection Officer Responsibilities

To:

- advise the school about their obligations under the UK General Data Protection Regulation and the Data Protection Act 2018;
- support the DPL in developing a joint understanding of the school's processing operations, information systems, data security processes and needs, and administrative rules and procedures;
- assist, in cooperation with the DPL, with the monitoring of the school's compliance with data protection law, by:
    - collecting information to identify data processing activities;
    - analysing and checking the compliance of data processing activities;
    - informing, advising and issuing recommendations to the school;
    - ensuring they have current and detailed information in data protection issues and changes to the law, attending relevant training as appropriate;
- assist the DPL in making sure that the school's policies are followed, through:
    - assigning responsibilities to individuals;
    - awareness-raising activities;
    - coordinating staff training;
    - conducting internal data protection audits;
- advise on and assist the school with carrying out Data Protection Impact Assessments, if necessary;
- act as a contact point for the ICO, assisting and consulting it where necessary, including:
    - helping the ICO to access documents and information;
    - seeking advice on data protection issues;
- act as a contact point for individuals whose data is processed (for example, staff, students and parents), including:
    - responding with support from the DPL to subject access requests;
    - responding with support from the DPL to other requests regarding individuals' rights over their data and how it is used;
- take a risk-based approach to data protection, including:
    - prioritising the higher-risk areas of data protection and focusing mostly on these

    - advising the school if/when it should conduct an audit, which areas staff need training in, and what the DPO/DPL roles should involve.
- report to the governing board/board of trustees on the school's data protection compliance and associated risks;
- respect and uphold confidentiality, as appropriate and in line with data protection law, in carrying out all duties of the role;
- assist the DPL in maintaining a record of the school's data processing activities;
- work with external stakeholders, such as suppliers or members of the community, on data protection issues;
- working with the DPL in fostering a culture of data protection throughout the school;
- work closely with other departments and services to ensure UK GDPR compliance, such as HR, legal, IT and security;
- work with the Senior Leadership team at the school to ensure UK GDPR compliance;
- assist with any additional tasks necessary to keep the school compliant with data protection law and be successful in the role.

Tasks

From these responsibilities, isolated tasks should include:

- providing a model Data Protection Policy and assist in customising it for the school;
- advising on procedures and pro formas to allow the Data Protection Policy to be adhered to;
- providing advice on other associated policies and documents;
- providing materials and advice in completing a dynamic Data Asset Audit / Record of Processing Activities (ROPA) and assisting in its completion if necessary;
- checking issues with the Data Asset Audit / Record of Processing Activities (ROPA);
- providing training materials to allow the DPL to assist staff in keeping up to date with Data Protection issues;
- acting as the point of contact for SAR and FOI requests and supporting the school to provide the information as required;
- providing a Data Protection Audit on a 3 yearly rota basis and producing a report for Governors at cost;
- providing telephone and email advice and support;
- providing regional training for the DPL and other staff;
- providing school based on-demand training at cost.

Data Protection Lead Responsibilities

To:

- verify that the school has registered with the ICO;
- support the DPO in advising the school about their obligations under the Data Protection Act 2018;
- support the DPO in developing an understanding of the school's processing operations, information systems, data security processes and needs, and administrative rules and procedures;
- assist, in cooperation with the DPO, with the monitoring of the school's compliance with data protection law, by:

    - collecting information to identify data processing activities;
    - analysing and checking the compliance of data processing activities;
    - informing, advising and issuing recommendations to the school;
    - ensuring they have current and detailed information in data protection issues and changes to the law, attending relevant training as appropriate;
- assist the DPO in making sure that the school's policies are followed, through:
    - assigning responsibilities to individuals;
    - awareness-raising activities;
    - coordinating staff training;
    - conducting internal data protection audits;
- act as a contact point for the DPO in supporting individuals whose data is processed (for example, staff, students and parents), including:
    - responding with support from the DPO to subject access requests;
    - responding with support from the DPO to other requests regarding individuals' rights over their data and how it is used;
- assist the DPO in maintaining a record of the school's data processing activities providing this on a yearly basis to the DPO;
- assisting the DPO in working with external stakeholders, such as suppliers or members of the community, on data protection issues;
- working with the DPO in fostering a culture of data protection throughout the school;
- work with the Senior Leadership team at the school to ensure UK GDPR compliance;
- assist with any additional tasks necessary to keep the school compliant with data protection law and be successful in the role.

Tasks

From these responsibilities, isolated tasks should include:

- act as the point of contact with the DPO;
- assist in customising the Data Protection Policy for the school;
- advising on procedures and pro formas to allow the Data Protection Policy to be adhered to;
- provide advice on other associated policies and documents;
- providing materials and advice in completing the Data Asset Audit / Record of Processing Activities (ROPA) and assisting in its completion if necessary;
- supplying the DPO with the Data Asset Audit / Record of Processing Activities (ROPA) on a yearly basis;
- using the training materials provided by the DPO to assist the staff in keeping up to date with Data Protection issues.

Appendix 4: Data Protection Impact Assessment

Before the use of any new service that uses personal data, staff should complete a Data Protection Impact Assessment Form.

The Senior Leaders and/or the DPL, with advice from the DPO will then approve the use and the information be placed on the Data Asset Audit / Record of Processing Activities (ROPA).

We will contact the DPO for a template Data Protection Impact Assessment which will assess the risks of the project and identify actions that can minimise the risks.

We will follow the guidance from the Information Commissioner's Office here https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias

Appendix 5: Subject Access Request process

On receiving a Subject Access Request or request for change or deletion of data the DPO or we will:

- inform the DPL in the school (and the Headteacher if necessary);
- contact the DPO if clarity on the request is needed or procedure is needed;
- record the details of the request, updating this record where necessary
- conduct identity checks of the requester if required
- obtain consent from the data subject (a student) if the requester is a parent and the student has the capacity to manage their own privacy rights
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no ‘bleeding’ of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than **1 calendar month**, which can be extended by a further 2 months where the request is complex or where there are numerous requests.

Please note the time for processing a request for an Educational Record in a maintained school is **15 school days.**. This applies to maintained schools only.

Appendix 6: Freedom of Information request process

On receiving a Freedom of Information Request, which must be made in writing, the DPO or the school will:

- inform the DPL in the school (and the Headteacher if necessary);
- contact the DPO for clarity on the request and procedure, and a sample response
- record the details of the request, updating this record where necessary
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- decide that if the material is already published or falls within an exemption;
- if data is not going to be published inform the requestor why this is not being released;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no 'bleeding' of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than **20 school days** (i.e. not including weekends, holidays or school closure days) or **60 working days** if this is shorter.

Appendix 7: Data breach process

Every Data Protection Breach should be recorded. The process that should be followed is listed below:

- inform the DPL in the school (and the Headteacher if necessary);
- record the details of the breach providing these details:
    - a description of the nature of the personal data breach including, where possible:
    - the categories and approximate number of individuals concerned; and
    - the categories and approximate number of personal data records concerned;
    - the name and contact details of the data protection officer (if your organisation has one) or other contact point where more information can be obtained;
    - a description of the likely consequences of the personal data breach; and
    - a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.
- contact the DPO if clarity on reporting the breach is needed and if necessary, report to the ICO;
    - By phoning 0303 123 1113
    - By downloading a form from the ICO website https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach and emailing to icocasework@ico.org.uk
    - By filling in the online form at https://ico.org.uk/for-organisations/report-a-breach/personal-data-breach/report-a-data-breach-online-form/report-a-personal-data-breach-online-form/ and sending it to casework@ico.org.uk
- updating this record where necessary;
- identify the people whose data is accidentally released, inform them of the breach and the processes taken to rectify the situation;
- review why the breach took place and if future similar events can be avoided