

## Document Version Control Log

| Version | Date       | Description of changes and person/organisation responsible   |
|---------|------------|--|
| 2.0     | 23/04/2020 | Text updated in 7.1 to reference privacy notices as location of detail for lawful bases. (SchoolPro TLC)<br><br>7.3 Our processing of special categories of personal data and criminal offence data – added to cover lawful bases and conditions for processing special categories of personal data and criminal offence data (SchoolPro TLC)<br><br>Text updated in 10 to reflect access to educational records depending on type of school – maintained, free school, academy or independent school. (SchoolPro TLC) |
| 2.1     | 26/05/2020 | Text updated in 10 to reflect decision to grant access to educational records for parents of pupils at non-maintained schools. (SchoolPro TLC)   |
| 2.2     | 19/08/2020 | Added option in 2 to delete text regarding compliance with Section 5 of the Education (Pupil Information) (England) Regulations 2005 as this is for maintained schools only. (SchoolPro TLC)   |
| 2.3     | 15/10/2020 | 9.3 Responding to Subject Access Requests – text updated to identify processes with regards to responding to requests from third parties.  |
| 2.4     | 20/01/2021 | Text updated to reflect end of Brexit transition and updates references from the General Data Protection Regulation (GDPR) to the UK General Data Protection Regulation (UK GDPR). (SchoolPro TLC)   |
| 2.5     | 25/02/2021 | 9.4 Other Data Protection Rights of the Individual – text updated to include reference to possible penalties for breaching organisation’s statutory responsibilities.<br><br>17 Personal Data Breaches – text updated to include reference to possible penalties for breaching organisation’s statutory responsibilities.  |
| 2.6     | 03/03/2021 | 14 Data Protection by Design and Default - Text updated with regards to Data Protection Impact Assessments including reference to new section – 14.1 (SchoolPro TLC)<br><br>14.1 Data Protection Impact Assessments (DPIA) – New section added to provide clearer guidance on undertaking impact assessments and their importance (SchoolPro TLC)  |
| 2.7     | 17/03/2021 | 15 Data Security and Storage of Records – Text added to highlight the school’s historical archive including its purpose. (SchoolPro TLC)<br><br>16 Disposal of Records – Text added to make reference to the school’s historical archive. (SchoolPro TLC)  |
| 2.8     | 27/10/2023 | Altered all instances of Headteacher to read “Head of Compliance”.   |



QUORN HALL  
SCHOOL

# Data Protection Policy

|                            |   |
|----------------------------|---|
| <b>Person Responsible:</b> | Headteacher                                 |
| <b>Last reviewed on:</b>   | 27th October 2023                           |
| <b>Next review due by:</b> | 27th October 2024                           |
| <b>Created:</b>            | Cavendish Education Group                   |
| <b>Revisions:</b>          | Annually; July 2020, Oct 21, Oct 22, Oct 23 |

Quorn Hall School is part of Newcome Education, which is owned and operated by Cavendish Education.

This policy is one of a series of school policies that, taken together, are designed to form a comprehensive statement of the school's aspiration to provide an outstanding education for each of its pupils and of the mechanisms and procedures in place to achieve this. Accordingly, this policy should be read alongside these policies. In particular it should be read in conjunction with the policies covering equality and diversity, Health and Safety, safeguarding and child protection.

All of these policies have been written, not simply to meet statutory and other requirements, but to enable and evidence the work that the whole school is undertaking to ensure the implementation of its core values:

- **'Levelling up'** – We want our children to be able to meet appropriate milestones and age related expectations, socially, emotionally and academically.
- **Thrive not survive** – We want our children to thrive in school and society, not just survive their adverse childhood experiences.
- **Confidence** – Develop confidence in their abilities and self image/esteem as learners and members of society.
- **Creativity** – Foster individuality and celebrate differences and create a compassionate and accepting environment. Provide tools that give pupils options, voice, and choice in order to enable them to be creative.
- **Competence** – In their ability to self-regulate and interact with different types of people and overcome the challenges and traumas from the past.
- **Character** – Develop resilience so they see failures or negative situations as a learning opportunity by implementing a growth mindset approach.
- **Compassion** – For pupils and the challenging circumstances they have encountered in both their personal and educational lives.
- **Care** – To overtly demonstrate to pupils that adults do care about them and their futures – every day is a fresh start.

While this current policy document may be referred to elsewhere in Quorn Hall School documentation, including particulars of employment, it is non-contractual.

In the school's policies, unless the specific context requires otherwise, the word "parent" is used in terms of Section 576 of the [Education Act 1996](#), which states that a 'parent', in relation to a child or young person, includes any person who is not a biological parent but who has parental responsibility, or who has care of the child. Department for Education guidance [Understanding and dealing with issues relating to parental responsibility updated August 2023](#) considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person – this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

The school employs the services of, among others, the following consulting companies to ensure regulatory compliance and the implementation of best practice:

- Peninsula BrightHR
- Peninsula BusinessSafe (Health and Safety)
- Atlantic Data/Due Diligence Checking Ltd (DBS)
- Educare / National College (online CPD)
- SchoolPro (data protection)
- Marsh Commercial (insurance)
- Neotas (Online searches / Social Media checks)
- VWV (legal)

Where this policy refers to 'employees', the term refers to any individual that is classified as an employee or a worker, working with and on behalf of the school (including volunteers and contractors).

Quorn Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers, pupils and visitors to share this commitment.

All outcomes generated by this document must take account of and seek to contribute to safeguarding and promoting the welfare of children and young people at Quorn Hall School.

The policy documents of Quorn Hall School are revised and published periodically in good faith. They are inevitably subject to revision. On occasions a significant revision, although promulgated in school separately, may have to take effect between the re-publication of a set of policy documents. Care should therefore be taken to ensure, by consultation with the Senior Leadership Team, that the details of any policy document are still effectively current at a particular moment.

## **Contents**

1. Aims
  2. Legislation and Guidance
  3. Definitions
  4. The Data Controller
  5. Roles and Responsibilities
  6. Data Protection Principles
  7. Collecting Personal Data
  8. Sharing Personal Data
  9. Subject Access Requests and Other Rights of Individuals
  10. Parental Requests to see the Educational Record
  11. Biometric Recognition Systems
  12. CCTV
  13. Photographs and Videos
  14. Data Protection by Design and Default
  15. Data Security and Storage of Records
  16. Disposal of Records
  17. Personal Data Breaches
  18. Training
  19. Monitoring Arrangements
  20. Links with Other Policies
- Appendix 1: Personal Data Breach Procedure
- Appendix 2: School Closure Record Keeping

## 1. Aims

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

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

## 2. Legislation and Guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#) and the ICO's [code of practice for subject access requests](#). It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

## 3. Definitions

| Term                                | Definition   |
|-------------------------------------|--|
| Personal data                       | <p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <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> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>  |
| Special categories of personal data | <p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <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><li>• Health – physical or mental</li><li>• Sex life or sexual orientation</li></ul> |
| Processing                          | <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>   |

|                      |   |
|----------------------|---|
| Data subject         | The identified or identifiable individual whose personal data is held or processed.   |
| Data controller      | A person or organisation that determines the purposes and the means of processing of personal data.   |
| Data processor       | A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.              |
| Personal data breach | 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 school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller. The school is joint controller with Cavendish Education in its capacity as the parent company of the group.

The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required. Cavendish Education is also registered with the ICO and will renew this registration annually or as otherwise legally required. Cavendish Education's registration number is ZA506906.

#### 5. Roles and Responsibilities

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

##### 5.1 Governing Board

The governing board has overall responsibility for ensuring that our school 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 governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

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

Cavendish Education shares the same DPO as joint controller with the school.

Full details of the DPO's responsibilities are set out in their SLA.

Our DPO is SchoolPro TLC Limited and is contactable via [GDPR@SchoolPro.uk](mailto:GDPR@SchoolPro.uk)

##### 5.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis.

##### 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
  - 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 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. Collecting Personal Data

### 7.1 Lawfulness, Fairness and Transparency

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

- The data needs to be processed so that the school, as a public authority, can perform a **public task**, and carry out its official functions
- 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 for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- Where the above does not apply we shall request clear **consent** from the individual (or their parent/carer when appropriate in the case of a pupil)

For further detail of which lawful basis is used for each category of data, see the relevant privacy notice.



For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. This is laid out in more detail in point 7.3.

If we offer online services to pupils, such as classroom apps, we intend to rely on Public Task as a basis for processing, where this is not appropriate we will get parental consent for processing (except for online counselling and preventive services).

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

## **7.2 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.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule.

## **7.3 Our processing of special categories of personal data and criminal offence data**

As part of our statutory functions, we process special category data and criminal offence data in accordance with the requirements of Articles 9 and 10 of the General Data Protection Regulation ('GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').

### **Special Category Data**

Special category data is defined at Article 9 of the GDPR as personal data revealing:

- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric data for the purpose of uniquely identifying a natural person;
- Data concerning health; or
- Data concerning a natural person's sex life or sexual orientation.

### **Criminal Conviction Data**

Article 10 of the GDPR covers processing in relation to criminal convictions and offences or related security measures. In addition, section 11(2) of the DPA 2018 specifically confirms that this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.

### **Appropriate Policy Document**

Some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an Appropriate Policy Document ('APD') in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.

This section of our Data Protection Policy document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.

In addition, it provides some further information about our processing of special category and criminal offence data where a policy document isn't a specific requirement. The information supplements our privacy notice and staff privacy notice.

## **Conditions for processing special category and criminal offence data**

We process special categories of personal data under the following GDPR Articles:

- i. Article 9(2)(a) – explicit consent  
In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing.  
Examples of our processing include staff dietary requirements and health information we receive from our pupils who require a reasonable adjustment to access our services.
- ii. Article 9(2)(b) – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the school or the data subject in connection with employment, social security or social protection.  
Examples of our processing include staff sickness absences.
- iii. Article 9(2)(c) – where processing is necessary to protect the vital interests of the data subject or of another natural person.  
An example of our processing would be using health information about a pupil or member of staff in a medical emergency.
- iv. Article 9(2)(f) – for the establishment, exercise or defence of legal claims.  
Examples of our processing include processing relating to any employment tribunal or other litigation.
- v. Article 9(2)(g) – reasons of substantial public interest.  
As a school, we are a publicly funded body and provide a safeguarding role to young and vulnerable people. Our processing of personal data in this context is for the purposes of substantial public interest and is necessary for the carrying out of our role.  
Examples of our processing include the information we seek or receive as part of investigating an allegation.
- vi. Article 9(2)(j) – for archiving purposes in the public interest.  
The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – archiving.  
An example of our processing is the transfers we make to the County Archives as set out in our Records Management Policy.

We process criminal offence data under Article 10 of the GDPR.

Examples of our processing of criminal offence data include pre-employment checks and declarations by an employee in line with contractual obligations.

## **Processing which requires an Appropriate Policy Document**

Almost all of the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require an APD (see Schedule 1 paragraphs 1 and 5).

This section of the policy is the APD for the school. It demonstrates that the processing of special category ('SC') and criminal offence ('CO') data based on these specific Schedule 1 conditions is compliant with the requirements of the GDPR Article 5 principles. Our retention with respect to this data is documented in our retention schedules.

## **Description of data processed**

We process the special category data about our employees that is necessary to fulfil our obligations as an employer. This includes information about their health and wellbeing, ethnicity, photographs and their membership of any union. Further information about this processing can be found in our staff privacy notice.

We process the special category data about the children in our care and other members of our community that is necessary to fulfil our obligations as a school, and for safeguarding and care. This includes information about their health and wellbeing, ethnicity, photographs and other categories of data relevant to the provision of care. Further information about this processing can be found in our pupil privacy notice.

We also maintain a record of our processing activities in accordance with Article 30 of the GDPR.

## **Schedule 1 conditions for processing**

### **Special category data**

We process SC data for the following purposes in Part 1 of Schedule 1:

- Paragraph 1(1) employment, social security and social protection.

We process SC data for the following purposes in Part 2 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

- Paragraph 6(1) and (2)(a) statutory, etc. purposes
- Paragraph 18(1) – safeguarding of children and of individuals at risk

### **Criminal offence data**

We process criminal offence data for the following purposes in parts 1, 2 and 3 of Schedule 1:

- Paragraph 1 – employment, social security and social protection
- Paragraph 6(2)(a) – statutory, etc. purposes
- Paragraph 12(1) – regulatory requirements relating to unlawful acts and dishonesty etc
- Paragraph 18(1) – safeguarding of children and of individuals at risk
- Paragraph 36 – Extension of conditions in part 2 of this Schedule referring to substantial public interest

## **8. Sharing Personal Data**

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

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we may seek consent if necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT and communication companies, education support companies, and those that provide tools for learning. When doing this, we will:
  - o Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
  - o 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
  - o 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.

When we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## **9. Subject Access Requests and Other Rights of Individuals**

### **9.1 Subject Access Requests**

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

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. 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 / Headteacher.

### **9.2 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.

### **9.3 Responding to Subject Access Requests**

When responding to requests, we:

- May ask the individual to provide two forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within one month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one 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 at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

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.

A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information.

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

### **9.4 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 7), individuals also have the right to:

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

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

## **10. 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 records if their child attends Quorn Hall School.

The guidance as per the Subject Access Request above will be followed.

## **11. Biometric Recognition Systems**

The school does not collect or otherwise process biometric data.

## **12. 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 should be directed to the Headteacher.

## **13. Photographs and Videos**

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

We will not seek consent from parents/carers for photographs and videos to be taken of their child for educational purposes for use in the classroom and school displays. We will process these images under the legal basis of Public Task.

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.

Uses may include:

- Within school on public area 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 usually accompany them with any other personal information about the child, to ensure they cannot be identified.

## **14. 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 privacy 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
- 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.

## **15. 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 follow the relevant school procedures and ensure all records and copies are returned to the school
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our acceptable user policy)
- 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 8)

## **16. 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.

### **17. 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, we will follow the procedure set out in appendix 1.

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

### **18. Training**

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

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

### **19. Monitoring Arrangements**

This policy will be reviewed and updated **every year** and shared with the full governing board.

### **20. Links with Other Policies**

This data protection policy is linked to our:

- Freedom of information publication scheme



## 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 Head of Compliance.
- The Head of Compliance will investigate the report, and determine whether a breach has occurred. To decide, the Head of Compliance 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 Head of Compliance will seek advice from the DPO and alert the chair of governors.
- The Head of Compliance will make all reasonable efforts to contain and minimise the impact of the breach, assisted by the DPO and 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 based on the Head of Compliance's investigation to advise the Head of Compliance further.
- The DPO in conjunction with the Head of Compliance, 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 will notify the ICO.

- The Head of Compliance 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 in the Breach-Log document in electronic format.
- Where the ICO must be notified, the DPO or Head of Compliance will do this via the ['report a breach' page of the ICO website](#). As required, the report 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
  - o The name and contact details of the DPO
  - o A description of the likely consequences of the personal data breach
  - o 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
- If all the above details are not yet known, the School will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when they expect to have further information. The Head of Compliance or DPO will submit the remaining information as soon as possible
- The School 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 School will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - o The name and contact details of the DPO
  - o A description of the likely consequences of the personal data breach
  - o 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 School 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 School will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - o Facts and cause
  - o Effects
  - o 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 in the Breach-Log document in electronic format.

- The DPO and Head of Compliance will review what happened and how it can be stopped from happening again. This will happen as soon as reasonably possible

### **Actions to Minimise the Impact of Data Breaches**

An example of the actions we will take to mitigate the impact of a data breach are set out below, focusing especially on a breach 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 might include:

- Details of pupil premium children being published on the school website
- Non-anonymised pupil data or staff pay information being shared with governors
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked.

## **APPENDIX 2:**

### **School Closures and Record Keeping**

When a school closes, records management is often low on the list of priorities. However, it is vital to carefully sort and review records in advance of the school closure, to ensure continued compliance with record-keeping obligations.

There are several reasons why a school may close, which may affect where the records need to be stored and managed:

#### **1. Conversion to Academy Status**

If a secondary school closes and subsequently becomes an Academy, all records relating to pupils who are transferring to the Academy must be transferred. If the Academy is retaining the existing buildings, then all records relating to the management of the buildings should also be transferred. All other records created and managed when the school was part of the Local Authority (LA) will become the responsibility of the LA.

Please note: A LA may decide that the new Academy is responsible for managing all records of the school prior to it receiving Academy status. Each LA should seek legal advice before making any decision about the management of records relating to schools which have become Academies.

#### **2. Sale or Re-use of the Site**

If the school site is being sold or reallocated to another use, then the LA must take responsibility for the records from the date the school closes.

#### **3. Merger of Schools**

If two schools are to be merged into one school, the new school is responsible for retaining all current records originating from the former schools.

The school must determine one of four possible outcomes for each group of records:

- Securely destroy all records which are expired and due for disposal, in accordance with legal and business retention requirements, as detailed on the Retention Schedule.
- Transfer to successor school or Academy all records which are current and which will be required by the new school or Academy.
- Transfer to the LA all records which are dormant but still need to be retained in order to comply with legal and business retention requirements. This will include records of pupils and employees who are no longer at the school, all administrative and financial records up to the point of closure, etc.
- Transfer to the Local Record Office any records with historical value, as detailed on the Retention Schedule, or which are found as part of the sorting exercise, e.g. registers, photographs, log books, etc.

#### **4. Responsibilities**

**School** – Responsible for identifying which records need to be destroyed or transferred to the LA, new school/Academy or Local Record Office. The school must notify the other organisations as soon as possible so that necessary disposal, storage and transfer arrangements can be made. The school must notify their ICT department or supplier to discuss arrangements for the safe transfer or deletion of electronic records, including all back-up copies.

**Local Authority** – Responsible for the physical transfer, storage and management of all records transferred to their care. Arrangements should be made for the appropriate storage of records, to ensure adequate security and access controls. Consideration should be given to ensure records can be easily identified, in accordance with Data Protection legislation and Freedom of Information and administrative requirements. A system should be in place to identify records when they reach expiry and arrangements should be made to securely and confidentially destroy records. The LA is liable for all transfer, storage and management costs from the time the records are received to the time they are destroyed.

**Local Record Office** – Responsible for the physical transfer, storage, management and permanent preservation of all records deposited to their care. Records containing personal, sensitive or confidential information must be subject to the applicable closure period. Public access to records must be provided, providing they are not subject to any closure period.

#### **5. Sorting of Records**

Sorting of records is time consuming, especially if records management has not been a priority in the past. Sufficient time and resources must be allocated to ensure records are destroyed in accordance with confidentiality and retention requirements, and that records to be transferred to the LA, new school/Academy or Local Record Office have been properly sorted, listed and boxed.

A project to sort records could be managed in the following way:

- Review all records held within the school as soon as notification of closure is received. This must include all records held in all formats, including paper and those created and stored electronically
- Using the Retention Schedule (see Retention Schedule section), categorise records into those to be destroyed, transferred to the new school or Academy, transferred to the LA or transferred to the Local Record Office
- Contact the new school/Academy, LA or Local Record Office to make the necessary arrangements for the safe and secure transfer of records
- Sort, list and box the records in preparation for transfer, ensuring records are stored in a safe environment whilst awaiting collection
- Plan how disposal of records will be undertaken (see Disposal section)
- Sort expired records in readiness for confidential disposal, ensuring they are stored securely whilst awaiting disposal.

#### **6. Security and Confidentiality**

Security and confidentiality controls must be maintained throughout the sorting, transfer and disposal exercise. Failure to do so could result in accidental loss, or a data breach under Data Protection legislation, which may result in action from the Information Commissioner's Office. All filing cabinets, desks, shelves, cupboards and other forms of storage must be completely emptied before the building is vacated or before disposal. This includes removing all drawers from their housing cabinet to ensure nothing has fallen behind.

Records awaiting disposal or transfer to the LA, new school/Academy or Local Record Office must be held in a secure area.

The identity of any third parties collecting or disposing of records must be checked and a collection receipt must be obtained.

Records must not be disposed of in ordinary waste bins or skips. Instead they must be either shredded or put into secure confidential waste sacks (see Disposal section).

Electronic records must be either transferred to the LA, Local Record Office or new school/Academy or deleted in accordance with the organisation's IT Policy.

All IT equipment must be decommissioned in accordance with the organisation's IT Policy (see Disposal section).

Under no circumstances should any records be left behind once the building is vacated.

It is important to bear in mind that when a school closes the staff teams may feel a real sense of bereavement and this will affect the way in which they view the work which has to be done before the school closes. Sorting out records is usually low on the priority list, but nonetheless needs to be undertaken. Managers will need to consider this when allocating the different elements of the task and when deciding project timescales.

It is advisable to contact the LA, Local Record Office, ICT provider, information governance/records manager and any other third parties, such as confidential waste contractors and removal companies, as soon as possible to ensure timescales and deadlines are realistic, in order to discuss requirements and procedures and to make the necessary arrangements for the safe transfer or disposal of records.