

St Aidans Primary School

Living and Growing in Christ



Data Protection Policy

Revised: 25th May 2018

Contents

1. What is the purpose of this Policy?
2. Why do we collect and use data?
3. What data is covered by this policy?
4. What are the key principles and lawful reasons used to process data?
5. What personal data is collected?
6. What is meant by obtaining lawful consent?
7. Will personal data be shared?
8. How do we use photography and video?
9. Will personal data be published?
10. How long is personal data stored for?
11. Who is accountable for data protection?
12. How is personal data processed and protected?
13. What are your rights regarding your personal data?
14. What happens when there is a breach of your privacy?
15. How do you request access to view your personal data?
16. How do you raise a concern about the way we process personal data?
17. When will this policy be updated?

What is the purpose of this policy?

Under data protection legislation, St Aidans Catholic Primary School (The Academy) is the data controller of the personal information we hold. The Academy designates the Head Teacher as its representative regarding the protection of data.

The postal address of the Academy is: St Aidans Primary Academy, Portnalls Road, Coulsdon, CR5 3DE. For queries, please contact the school office on 01737 556036 or by email at admin@st-aidans.croydon.sch.uk.

The Academy is required to keep and process personal information about its pupils, families and staff in accordance with its legal obligations. This information will be processed in accordance with the EU General Data Protection Regulation 2018 (GDPR).

The Academy may, from time to time, be required to share personal information with other organisations, including the Local Authority (LA), Department for Education (DfE,) other schools, and relevant bodies who provide services to the Academy.

This policy will outline the legal framework, practices and processes used in the Academy with regards to the proper collection, processing and retention of personal data we hold.

A summary of this Data Protection Policy is provided in our Privacy Notices which can be downloaded from the Academy website www.st-aidans.croydon.sch.uk or are available on request from the school office.

This document is a working document and will be regularly updated, (at least once per year) to reflect changes in the working practices of the Academy. Please ensure that you access the most recent version of this document either through the website or by contacting the school office.

Why do we collect and use data?

St Aidans Primary School is a charitable trust limited by guarantee registered in England and Wales. The Academy is a publicly funded body responsible for providing state education to children. The Academy is required by law to comply with legislation including, but not limited to, the following:

- The Education (Pupil Information) (England) Regulations 2005 (amended 2016)
- The School Standards and Framework Act 1998
- The General Data Protection Regulation 2018 (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy will underpin all data processing activities within the Academy and makes reference to the following other the Academy policies:

- E-Safety and ICT Acceptable Use Policy

The Academy uses the information it holds in order to:

- Support the teaching and learning of pupils and staff
- Monitor and report on progress and achievement
- Provide appropriate care and safeguarding for pupils and staff
- Assess the quality of our service
- Comply with our legal obligations

What data is covered by this policy?

The Academy recognises the following categories of data which are collected and processed by the Academy. This policy applies to both personal data held electronically and data stored in paper records in our filing systems. Personal data may be processed according to specific criteria, including chronologically ordered data and data which has been pseudonymised.

Personal data is information that relates to an identifiable, living individual, this can include information relating to online identity such as usernames or IP addresses.

Sensitive personal data is defined as a special category of personal data (refer to GDPR Article 9). This can include the processing of genetic data, biometric data and data concerning health matters. The Academy applies additional measures to protect and secure this type of data.

Criminal convictions and offences are another example of personal data, but which are not included under the category of sensitive personal data. The Academy applies additional safeguards to the processing of this data (refer to GDPR Article 10).

What are the key principles and lawful reasons used to process data?

The Academy will ensure that all personal data is only ever collected, processed and stored according to the key principals identified in the GDPR to ensure that privacy and data security is embedded within the culture of the organisation at all levels. The Academy recognises that personal data may only be processed lawfully, the lawful reasons used by the Academy are identified as follows:

- To allow the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller to carry out the duties of the Academy
- To protect the vital interests, health or wellbeing of an individual
- To comply with legal obligations
- To deliver a contract, or to take steps required to enter in to a contract
- To undertake other legitimate interests pursued by the Data Controller or a third party
- With the consent of the person concerned, which has been legally obtained

What personal data is collected?

The Academy can collect and process the following personal data relating to pupils or their families:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth, religion, free school meal eligibility and photographs for identification
- Attendance information including absences and absence reasons
- Assessment information including National Curriculum assessment results and scores used to measure learning, development and progress
- Medical history and information relevant to health & wellbeing such as allergy information
- Information relating to identified Special Educational Need & Disability (SEND)
- Behavioural information including exclusions and incident reports
- Safeguarding information relating to protecting the safety or best interest of children including care and social services data, legal or judicial communications and information supplied by related agencies

The Academy can collect and process the following personal data relating to its employees, trustees and job applicants and governors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Attendance information including absences and absence reasons
- Employment & Contractual information such as qualifications, criminal records checks, references, employment history, trade union membership, religion and financial data such as bank details & tax information
- Medical history and information relevant to health & wellbeing such as disability or allergy information
- Performance Management information such as appraisals or disciplinary records

The Academy can collect and process the following personal data relating to contractors and visitors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Employment & Contractual information such as qualifications, criminal records checks, references, employment history and financial data such as bank details & tax information

What is meant by obtaining lawful consent?

The Academy may identify additional uses of your data, which may be of benefit to your child or the school community. Examples may include optional extra-curricular activities, fundraising or promotional activities. We will always seek your consent before using your data for these reasons. If you give consent, you may change your mind at any time.

When we are required to seek consent, the Academy will use the following process:

- A letter will be issued that is to be completed by each individual (or their parent /guardian) which explains the nature and purpose of the data processing activity for which consent is required
- When seeking consent, all requests from the Academy shall require the individual to indicate their choice positively. This means that agreement cannot be assumed from silence, inactivity or pre-ticked boxes
- When seeking consent, the Academy will present a genuine choice which means that individuals may choose not to agree without any prejudicial impact upon them
- The Academy will keep records documenting when consent was given or refused by individuals
- Consent may be withdrawn by the individual at any time and for any reason. To withdraw consent please speak to the school office in person or make a request by email to admin@st-aidans.croydon.sch.uk
- Where a child is under the age of 16, and consent is required, parents/guardians will be asked to provide consent prior to the processing of their child's data
- Where the processing relates to preventative or counselling services offered directly to a child, it is subject to the consent of the child rather than their parent/guardian regardless of their age

Will personal data be shared?

The Academy is legally obliged to share data about pupils and staff with the Department for Education (DfE). The DfE use this data for school funding and educational attainment policy and monitoring.

The DfE routinely request data throughout the year which include the School Census return and Early Years Census. To find out more about the pupil information we share with the DfE for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Some of this information is the stored on the National Pupil Database (NPD), which is permitted in law by the Education (Information About Individual Pupils) (England) Regulations 2013.

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

The DfE may share information about pupils from the NDP with third parties who promote the education or wellbeing of children through research, providing information, advice or guidance.

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

The Academy will also share personal data with approved third parties or contractors in order to deliver its aims

- Local Authorities
- The Department for Education (DfE)
- Other schools and educational bodies
- The NHS and Healthcare professionals
- Special Educational Needs (SEN) support professionals
- Service suppliers such as finance, payroll, catering, payment processing and ICT
- Social and welfare services including the police
- External educational providers such as specialist teachers or club providers

The information shared may include sensitive personal information such as information about health, special educational needs, or disabilities. This information is used to provide the correct services to support children, families or employees and is only shared on a strictly need to know basis in full compliance with individual's rights.

The Academy is required by law to check the identity and Criminal Record of all employees, governors and volunteers in order to safeguard children and staff.

The Academy will conduct checks using the Disclosure and Barring Service (DBS). In order to carry out these checks, it is required for authorised persons to share sensitive personal data with the DBS.

Personal Data will be processed by the DBS and the results of this processing provided to the Academy. You may review the privacy notices provided by the DBS for further information on the gov.uk website.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

How do we use photography and video?

The Academy recognises that the recording images of identifiable individuals is a form of processing personal information which must be carried out in line with data protection requirements.

The Academy makes use of CCTV systems in order to provide enhanced security of the premises and to better safeguard the interests of pupils & staff.

The school has a CCTV policy which provides further information about our use of CCTV.

The Academy captures photographs of pupils, staff, contractors and visitors to our site for the purposes of identification and authorisation of access. These images may be further processed and linked to other information we hold such as emergency medical needs, or attendance records.

The Academy may use photography and video images for other explicit purposes in order to deliver the aims of the Academy. Full details of these purposes are outlined in our Consent for use of images of Children policy. Please refer to the school website for further details or request a copy from the school office.

Will personal data be published?

The Academy will not publish any personal data, including photos or images, in a public forum either online or in print without obtaining explicit consent in advance.

How long is personal data stored for?

Personal data held by the Academy is stored and deleted according to our **Data Retention Policy**.

Personal data is not kept on a permanent basis and is only stored for as long as is necessary full fill its intended purpose. Personal data is deleted when it is no longer required. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also for example to enable the provision of references.

Paper documents will be shredded or securely disposed of, and electronic data scrubbed clean or permanently erased once the data is no longer required.

Please review our Data Retention Policy for further details of specific data items and their retention schedules.

Who is accountable for data protection?

Under data protection legislation, the Academy is the Data Controller of the personal data we hold.

The GDPR requires that the Data Controller shall be responsible for, and able to demonstrate, compliance with the principles outlined above. The Academy designates the Head Teacher as its representative with regards to data protection.

As a publicly funded body the Data Controller is required to appoint a Data Protection Officer (DPO).

The Academy has appointed OpenAIR Systems Limited as it's DPO. The DPO can be contacted by email dataprotection@openair.systems or in writing to OpenAIR Systems Limited, Unit 20 Capital Business Centre, Croydon, Surrey, CR2 0BS.

The DPO has a range of responsibilities which support the Academy in meeting its obligations under GDPR. The DPO will act as a point of contact and adviser to the Academy, its employees and clients.

How is personal data processed and protected?

The Academy ensures appropriate technical measures and processes are in place to protect data and privacy of individuals. The Academy defines comprehensive, understandable and transparent policies which give due regard to the protection & security of data. Policies underpin the culture and behaviours adopted by the Academy and outline our business processes and structure. All policies are reviewed on a regular basis to ensure they reflect the most up to date circumstances and any changes in working practice. When reviewed, all policies are checked alongside this data protection policy to ensure a comprehensive and integrated approach to privacy is delivered.

The Academy maintains a Data Protection Audit as an internal record of all data processing activities carried out, and reviewed at least once per year to ensure the content is kept up to date. The audit includes full itemised details of each data processing activity, nature & categories of data, reasons for processing and the systems used to carry out the processing.

When introducing new systems or new ways of processing personal data, the Academy will conduct a Data Protection Impact Assessment (DPIA) in order to ensure proper integration and compliance with the law and our policies. Any new systems implemented by the Academy will ensure data protection is implemented by design and privacy enabled by default.

In order to ensure that data is protected, the Academy has identified the following measures which are implemented to minimise the risks involved in processing and storing information:

- Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.
- Confidential paper records will not be left unattended or in clear view anywhere with general access.
- Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.
- Memory sticks will not be used to hold personal information. The school does not permit the use of memory sticks or portable hard drives to store personal data.
- All electronic devices are password-protected to protect the information on the device in case of theft.
- Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- Staff and governors will not use their personal laptops or computers for school purposes.
- All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.
- Circular emails to parents are sent blind carbon copy (bcc) or via the anonymised school communication system (T2P), so email addresses are not disclosed to other recipients.
- When sending confidential information, staff will always check that the recipient is correct before sending.
- Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key.
- Before sharing data, all staff members will ensure they have permission to share it and that adequate security is in place to protect it.
- Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times.
- The physical security of the school's buildings and storage systems, and access to them, is reviewed on a yearly basis. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- The Head Teacher is responsible for continuity and recovery measures are in place to ensure the security of protected data.

What are your rights regarding your personal data?

The Academy recognises the rights of individuals with regards to our use of their personal data, a list of your rights are as follows:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object

The Academy will ensure that these rights are respected by ensuring that all our policies and processes regarding data processing and data storage are compatible with these rights.

In addition to the rights detailed above, individuals have further rights relating to the automated processing of their personal data.

The Academy does not make use of any automated decision making in the processing of data, neither does it undertake automated profiling of individuals.

What happens when there is a breach of your privacy?

The Academy will use practical & technical measures to protect personal data from loss or any other unauthorised alteration, disclosure, or access.

In the event of a breach of privacy as described above, the Head Teacher in consultation with the DPO, will take the following action:

- Assess the nature of the personal data breach, including the categories of data concerned and approximate number of individuals and records affected
- Identify if the breach is likely to result in any risk to the rights and freedoms of individuals. Risk of the breach having a detrimental effect on individuals, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis
- Report all notifiable breaches to the Information Commissioners Office within 72 hours of the Academy becoming aware of it
- If a breach is likely to result in a high risk to the rights and freedoms of an individual, the Academy will notify those individuals concerned directly and without undue delay

How do you request access to view your personal data?

Under data protection legislation, any individual about whom the Academy processes personal data (the Data Subject) has the right to request access to view the information that we hold about them, this is called a Subject Access Request (SAR). Requests for access to your personal information must be recorded in writing. You may make a request verbally by speaking to a member of staff who will ensure you're your request is recorded.

Alternatively, you may use our Subject Access Request Form or write your own letter addressed to the Head Teacher and sent care of our nominated DPO; OpenAIR Systems Limited, Unit 20 Capital Business Centre, Croydon, Surrey, CR2 OBS, or submit an emailed request to staidans.sar@openair.systems

You will receive an automated acknowledgement of the receipt of your request when sent via email. All SAR requests will be processed in accordance with GDPR requirements.

How do you raise a concern about the way we process personal data?

If you have a concern about the way we collect or use your personal data, we invite you to raise the matter with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office:

By post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By telephone: 0303 123 113 or 01625 545 745, or online at <https://ico.org.uk/concerns>

When will this policy be updated?

This policy will be reviewed at least once per year by the Academy.

This policy is a working document and can be updated to reflect changes in the working practices of the Academy at any time. Please ensure that you access the most recent version of this document either by downloading the current version the website or by contacting the Academy office.

The next scheduled review date for this policy is May 2019