



# LEAGRAVE PRIMARY SCHOOL

‘Striving for Excellence, learning for life’

## DATA PROTECTION POLICY

**Ratified by Governors**

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**STATUTORY**

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.



# **Leagrove Primary School Data Protection Policy**

## **Introduction**

The purpose of this policy is to provide information about our school's approach to collecting and using personal data in the course of our day-to-day work as well as the rights available to those whose data we hold.

The policy has been developed to ensure all staff, contractors and partners understand their obligations when processing personal and special category data in order to comply with the Data Protection Act 2018, The General Data Protection Regulation 2016 and UK General Data Protection Regulations 2021 as amended from time to time.

It applies to personal data we collect both as an employer and as an education provider, such as that contained within pupil and staff records as well as information we hold on parents, governors, volunteers, visitors and other individuals with whom we interact.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

## **Scope of the Policy**

Personal information is any information that relates to a living individual who can be identified from the information. This includes any expression of opinion about an individual and intentions towards an individual. It also applies to personal data held visually in photographs or video clips (including CCTV) or as sound recordings.

The School collects a large amount of personal data every year including: staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the School. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

## **Definitions**

Specific terms are referred to in this policy and are explained as follows:

<b>Term</b>	<b>Definition</b>
<b>Personal data</b>	Any information relating to an identifiable person who can be directly or indirectly identified. It may be held in either paper or electronic records.

<b>Special categories of personal data</b>	Sensitive personal data, including information about an individual's race, ethnic origin, politics, religion trade union membership, genetics, biometrics (where used for ID purposes), health, sex life or sexual orientation.
<b>Processing data</b>	Anything we might do with personal data, such as holding it, using it, storing it or destroying it.
<b>Data subject</b>	The person whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed.
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

## Data protection principles

The school must regard certain fundamental data protection principles when processing data.

Personal and special category data must be:

- Processed fairly, lawfully and transparently.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with these purposes.
- Used in a way that is adequate, relevant and limited to only what is necessary.
- Accurate and, where necessary, kept up to date.
- Kept in a form which permits identification of individuals for no longer than is necessary.
- Processes in a manner that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage.

## Responsibilities

We expect all staff working for, or on behalf of, the school, whether employees, casual workers, supply staff, volunteers or consultants, to recognise and adhere to the high standards of data protection we uphold. Everyone has a responsibility for helping to ensure that personal data, whether their own or that of third parties, is accurate, kept up to date and held securely.

The school must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them

The school has a legal responsibility to comply with the Act. The school, as a corporate body, is named as the Data Controller under the Act.

Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies that are in line with the Act.

The school is required to 'notify' the Information Commissioner of the processing of personal data.

This information will be included in a public register which is available on the Information Commissioner's website at the following link:

<https://ico.org.uk/>

Every member of staff that holds personal information has to comply with the Act when managing that information.

The school will:

- Inform Data Subjects why they need their personal information, how they will use it and with whom it may be shared (This is known as a Privacy Notice)
- Check the quality and accuracy of the information held
- Apply the records management policies and procedures to ensure that information is not held longer than is necessary
- Ensure that when information is authorised for disposal it is done appropriately
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system
- Only share personal information with others when it is necessary and legally appropriate to do so
- Set out clear procedures for responding to requests for access to personal information known as subject access in the Data Protection Act
- Train all staff so that they are aware of their responsibilities and of the schools relevant policies and procedures

## **Right of individuals**

You have several rights as an individual if we process your data, summarised below.

### **Right to be informed**

You have the right to be informed about the collection and use of your data. You must be provided with privacy information about the purposes for which we process your data, our retention periods for that personal data, and whom it will be shared with. This privacy information provided by the school can be found on our privacy notices which are available on the school website.

### **Right of access**

You have the right to obtain confirmation from us that your data is being processed and gain access to your data by making a subject access request in writing, either by letter or email.

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge

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

Requests should include:

- Full name of the person making the subject access request
- A correspondence address
- A contact number and email address
- Details about the information requested

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

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

Please be aware that during closure periods, we are unlikely to be able to deal with your request promptly, so we ask that, wherever possible, you submit requests during term time.

### **Parental requests for education records**

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

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

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

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

The table below summarises the charges that apply.

<b>Number of pages of information to be supplied</b>	<b>Maximum fee (£)</b>
1-10	1.00
10 -20	2.00
20 -30	3.00
40+	4.00
60+	5.00
80+	8.00
100+	10.00

## 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 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.

## CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will follow the [ICO's guidance](#) for the use of CCTV, and comply with data protection principles.

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.

## Data protection rights of the individual

In addition to the right of access described above, individuals have certain other rights. These are:

- **Right to rectification:** the right to have inaccurate personal data rectified or completed if it is incomplete.
- **Right to erasure:** the right to have personal data erased (also known as the 'right to be forgotten').
- **Right to restrict processing:** the right to request the restriction or suppression of your data in certain circumstances.
- **Rights relating to automated decision-making including profiling:** the right to challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement).
- **Right to object:** the right to object to processing based on legitimate interests or the performance of a task in the public interest/exercise of official authority; this also covers direct marketing and processing for scientific or historical research and statistics.
- **Right to data portability:** the right in certain circumstances to safely and securely move, copy or transfer personal data from one IT environment to another.

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

## International transfers

Restricted transfers from the UK to other countries, including to the EEA, are now subject to transfer rules under the UK GDPR regime.

There are provisions which permit the transfer of personal data from UK to the EEA and to any countries which are now known as 'adequacy regulations'. There are also provisions which allow the continued use of any EU Standard Contractual Clauses ('SCCs'), both for existing restricted transfers and for new restricted transfers. A Transfer Impact Assessment is now available and is required to be completed if there is a transfer outside of the UK.

## **Storage of records**

- Paper-based records that contain personal information are kept under lock and key when not in use.
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to notice boards where there is general access.
- Where personal information needs to be taken off site (in paper or electronic form) it is with the permission of the Headteacher / Deputy Headteacher.
- Electronic information will be password protected.
- Passwords are used to access school computers, laptops and other electronic devices. Staff are reminded to change their passwords at regular intervals.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment.

## **Disposal of records**

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

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

## **Training**

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

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

## **Monitoring arrangements**

The Headteacher is responsible for monitoring and reviewing this policy.

The Business Manager checks that the school complies with this policy by, among other things, reviewing school records termly.

At every review, the policy will be shared with the governing body.

## **Links with other policies**

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