



## Policy

# Data Protection (GDPR)

This policy has been written with regard to the guidance 'Working together to safeguard children', 'Keeping children safe in education' and the 'Special Education Needs Code of Practice', which places Special Education Needs and Disabilities together and abbreviated to SEND. A copy can be seen in the Headteacher's Office.

The overall objective of the school's Equality Policy, in line with the Equality Act 2010, is to provide a framework for the school to pursue its equality duties to eliminate unlawful discrimination and harassment, promote equality of opportunity, and promote good relations and positive attitudes between people of diverse backgrounds in all its activities.

<b>Title</b>	Data Protection (GDPR)
<b>Date of Issue</b>	May 2018
<b>Review Date</b>	May 2020
<b>Prepared by</b>	Headteacher
<b>To be reviewed and monitored by</b>	Headteacher and Governors
<b>Appendices</b>	Appendix 1 – Privacy Notice for Pupils Appendix 2 – Privacy Notice for Staff
<b>Supply / distribution</b>	Available as a read-only document on the Fynamore school website and one hardcopy in the school office.
<b>Other relevant approved documents</b>	Privacy Notices Retention Policy Data Breach Procedure E-Safety Policy
<b>Authorised by</b>	Headteacher and Governors

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## 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (2018).

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

## 2. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education. It also takes into account the provisions of the General Data Protection Regulation, which is new legislation in force from 25 May 2018.

In addition, this policy complies with Regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

## 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>• Contact details</li><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Whether a person has committed, or is alleged to have committed, an offence</li><li>• Criminal convictions</li></ul>
<b>Processing</b>	Obtaining, recording or holding data
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller (Headteacher)</b>	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
<b>Data processor or Data protection officer (School Business Manager)</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

#### **4. The data controller**

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the School Office.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

#### **5. Data protection principles**

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

#### **6. Roles and responsibilities**

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the headteacher, or the Deputy Head in the Headteacher's absence. The headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

#### **7. Privacy/fair processing notice**

*The School has separate Privacy Notices for Pupils and Staff (Appendix 1 and Appendix 2).*

##### **7.1 Pupils and parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

## **7.2 Staff**

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the School Business Manager – Cathy Moger.

## **8. Subject access requests**

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:

- The pupil's name
- 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

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

Number of pages of information to be supplied	Maximum fee (£)
1-19	1.00
20-29	2.00
30-39	3.00
40-49	4.00
50-59	5.00
60-69	6.00
70-79	7.00
80-89	8.00
90-99	9.00
100-149	10.00
150-199	15.00
200-299	20.00
300-399	30.00
400-499	40.00
500+	50.00

If a subject access request does not relate to the educational record, we will respond within 40 calendar days, or 30 working days, whichever is soonest. The maximum charge that will apply is £10.00.

## 9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

## **10. Storage of records**

- Paper-based records and portable electronic devices, such as laptops and hard drives, 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 noticeboards where there is general access.
- Where confidential or sensitive personal information needs to be taken off site (in paper or electronic form), staff should take care not to leave it unattended.
- 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 for school-owned equipment.

## **11. 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.

## **12. 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.

## **13. The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

## **14. Monitoring arrangements**

The Headteacher is responsible for monitoring and reviewing this policy.

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

This document will be reviewed when the General Data Protection Regulation comes into force, and then every 2 years.

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

## **15. Links with other policies**

This Data Protection Policy and Privacy Notice is linked to the freedom of information publication scheme.

## 16. Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance. A copy of our complaints policy can be found on our school website.

To make a complaint, please initially contact the school office. Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## Appendix 1: Privacy Notice – Pupils



# Fynamore Primary School



## Privacy Notice - Pupils (How we use pupil information)

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, Fynamore Primary School, School Road, Calne, SN11 9UG, are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer (DPO) is:

Mr Andrew Ind, Headteacher, Cherhill C of E (VA) Primary School, Middle Lane, Cherhill, SN11 8XX.

### The personal data we collect, hold and share

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Personal information (including name, address, date of birth, unique pupil number)
- Contact details, contact preferences, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Behaviour/exclusion information
- Relevant medical information
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

### Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Carry out research
- Comply with the law regarding data sharing

### Our legal basis for using this data

We only collect and use pupils' personal data when the law allows us to. We collect and use pupil information under Section 537A of the Education Act 1996. The collection and processing of data is lawful under Article 6 of the General Data Protection Regulation (GDPR) (from 25 May 2018) as the data subject has given consent to the processing of his or her personal data for one or more specific purposes and the processing is necessary for compliance with a legal obligation to which the controller is subject. The collection and processing of personal data revealing racial or ethnic origin, religious beliefs and data concerning health, is lawful under Article 9 of the GDPR (from 25 May 2018) as the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

Most commonly, we process data where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

### **How we store this data**

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our retention of documents policy sets out how long we keep information about pupils and this can be found on our school website.

### **Data sharing**

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- Our Local Authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions;
- The Department for Education – to provide statutory information;
- The pupil's family and representatives – eg. in cases of Safeguarding;
- Educators and examining bodies – to register pupils for testing, eg. SATS;
- Our regulator – Ofsted;
- Suppliers and service providers – to enable them to provide the service we have contracted them for;
- Financial organisations – through Census information;
- Central and local government – through Census information;
- Our auditors – eg. when paying for events taking place during school time;
- Health authorities – eg. Height, Weight, hearing and Vision checks on pupils;
- IT support and security organisations – Oakford Technology;
- Health and social welfare organisations, eg. VirginCare School Nurse, CAHMS, etc.;
- Professional advisers and consultants – eg. when we call in professional support for SEND, etc.;
- Charities and voluntary organisations – eg. to support emotional needs of pupils;
- Police forces, courts, tribunals – eg. in the case of serious Safeguarding incidents;
- Professional bodies – eg. when we call in professional support, for SEND, etc.
- Capita (SIMS student record system)
- ParentMail (parent communication system)
- Tucasi (SCOPAY online payment system)
- Classroom Monitor (assessment results record system)

## National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education (DfE) and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

The DfE may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information about the DfE's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the DfE has provided pupil information, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE:

<https://www.gov.uk/contact-dfe>

## Transferring data internationally

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

## Parents' and pupils' rights regarding personal data

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

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it;
- Tell you why we are holding and processing it, and how long we will keep it for;
- Explain where we got it from, if not from you or your child;
- Tell you who it has been, or will be, shared with;
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this;
- Give you a copy of the information in an intelligible form.

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our Data Protection Officer:

Mr Andrew Ind, Headteacher, Cherhill C of E (VA) Primary School, Middle Lane, Cherhill, SN11 8XX.

Parents/carers also have a legal right to access their child's **educational record**. To request access, please contact;

School Office, Fynamore Primary School, School Road, Calne, Wiltshire, SN11 9UG.

## Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress;
- Prevent it being used to send direct marketing;
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person);
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing;
- Claim compensation for damages caused by a breach of the data protection regulations.

To exercise any of these rights, please contact our Data Protection Officer.

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance. A copy of our complaints policy can be found on our school website ([www.fynamore.org.uk](http://www.fynamore.org.uk)).

To make a complaint, please initially contact the School Office. Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at: <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact:

Mr Thomas Brewer, Headteacher, Fynamore Primary School, School Road, Calne, SN11 9UG

or our Data Protection Officer:

Mr Andrew Ind, Headteacher, Cherhill C of E (VA) Primary School, Middle Lane, Cherhill, SN11 8XX.

*This notice is based on the Department for Education's model privacy notice for pupils, amended for parents and to reflect the way we use data in this school.*

## Appendix 2: Privacy Notice – Staff



# Fynamore Primary School

## Privacy Notice - Staff (how we use school workforce information)



Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **staff**.

We, Fynamore Primary School, School Road, Calne, SN11 9UG, are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer (DPO) is:

Mr Andrew Ind, Headteacher, Cherhill C of E (VA) Primary School, Middle Lane, Cherhill, SN11 8XX.

### The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number, photo);
- special categories of data including characteristics information, such as gender, age, ethnic group;
- contract information (such as start dates, hours worked, post, roles and salary information) ;
- work absence information (such as number of absences and reasons);
- qualifications (and, where relevant, subjects taught);
- DBS information (including a record of the ID used to apply).

### Why we collect and use this information

We process personal data relating to those we employ to work at, or otherwise engage to work at our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Facilitating safe recruitment;
- Supporting the effective performance management of staff;
- Improving the management of workforce data across the sector;
- Enabling development of a comprehensive picture of the workforce and how it is deployed;
- Informing the development of recruitment and retention policies;
- Allowing better financial modelling and planning;
- Enabling ethnicity and disability monitoring;
- Supporting the work of the School Teachers' Review Body.

### Our legal basis for using this data

We only collect and use staff personal data when the law allows us to. We collect and use staff information under the Education Act 1996 (Departmental Censuses). The collection and processing of data is lawful under Article 6 of the General Data Protection Regulation (GDPR) (from 25 May 2018) as the data subject has given consent to the processing of his or her personal data for one or more specific purposes and the processing is necessary for compliance with a legal obligation to which the controller is subject. The collection and processing of personal data revealing racial or ethnic origin, religious beliefs and data concerning health, is lawful under Article 9 of the GDPR (from 25 May 2018) as the data subject has given explicit consent to the processing of those personal data for one or more specified purposes.

## **Who we share this information with**

We are required by law to share some of this personal data with:

- our local authority
- the Department for Education (DfE)

If you require more information about how the DfE store and use your personal data please visit:

[www.gov.uk/data-protection-how-we-collect-and-share-research-data](http://www.gov.uk/data-protection-how-we-collect-and-share-research-data)

## **Why we share school workforce information**

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

### **Local authority**

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment. The DfE collects and processes personal data relating to those employed by schools and local authorities that work in state funded schools. All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

## **Storing this information**

We usually hold most school workforce data for the length of the employment contract, plus 6 years (please refer to our Retention Policy).

## **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, please contact the School Office.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- prevent processing for the purpose of direct marketing;
- object to decisions being taken by automated means;
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection Regulations.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance.

## **Further information**

If you would like to discuss anything in this privacy notice, please contact the School Office, or our Data Protection Officer (DPO):

Mr Andrew Ind, Headteacher, Cherhill C of E (VA) Primary School, Middle Lane, Cherhill, SN11 8XX.