



DATA PROTECTION POLICY INCORPORATING GDPR

(Statutory Policy)

(Resource Management Committee)

(Approval by Resource Management Committee – 2 Year Review Cycle)

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| Date to be implemented from: | 18 th March 2021 |
| Date to be reviewed by: | 18 th March 2023 |
| Date Reviewed by Sub Committee: | 9 th March 2021 |

Approved by:

Signed: (Chair – Resources Committee)

(Print Name)

Date

This Policy supersedes any previous Policy of this name or instructions that pre-date this edition.

This Policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this School.

1 Policy Statement

1.1 St Andrew’s School affirms that individuals are entitled to equal rights, responsibilities and opportunities. Individuals are entitled to security of their personal data. The School strives to ensure that all individuals are equally valued and everyone is treated with respect.

1.2 St Andrew’s School will meet its duty to have a Data Protection Policy and meet any other GDPR legislation or requirements to ensure a safe environment for pupils, staff, parents/carers and visitors.

1.3 The Policy will be readily accessible within the School on the Website and in hard copy upon request.



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2 Reviewing the Policy

2.1 Reviewing the Policy – St Andrew's School will assess the implementation and impact of this Policy on a continuous basis and undertake a regular formal review on an annual basis to ensure it is fit for purpose in line with current requirements.

3 School Vision

3.1 Our vision is to become an outstanding School within a loving, Christian community.

3.2 Our parents/carers, children and staff will work together to enable all children to:

1. achieve their potential
2. learn in a safe, stimulating environment
3. enjoy learning now and in the future

4 Purpose of Policy

4.1 At St Andrew's School, in common with all Schools, we collect and use personal information about staff, pupils, parents and other individuals who are part of our School community. Some information is gathered in order to enable us to provide effective education and other associated functions and some data is collected to ensure we comply with its statutory obligations.

4.2 This Policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) 2018. It will apply to all data regardless of the way it is collected, used, recorded, stored and deleted, irrespective of whether it is held in paper copy or electronic format.

5 Aim of Policy

5.1 The aim of this Policy is to create a culture and ethos where Data is collected, collated, analysed and maintained and/or destroyed according to legal requirements regarding transparency and confidentiality.



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5.2 This Policy provides a framework that translates the values and aims of the School regarding Data Protection into effective procedures to enable each child to learn in a supportive, caring and safe environment.

5.3 This Policy ensures all staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by following the procedures.

6 Definitions

6.1 Under the legislation when any organisation collects personal information about an individual it must make that information available to the individual. Schools and LAs can use and amend privacy notices to suit their local needs and circumstances in conjunction with the Data Protection adviser in order to reflect local policies.

6.2 The GDPR applies to both automated personal data and to manual filing systems where personal data is accessible according to specific criteria.

6.2.1 Data Subject: means an identified or identifiable person. For example, we process personal information about staff members, parents/carers and pupils each of whom is a data subject.

6.2.2 Personal Information: means any information about a data subject. Personal information or data is defined as 'Data that relates to a living individual who can be identified from that data' or other information held that can identify individuals. An example of personal information could include information about a pupil's attendance, medical conditions, Special Educational Needs requirements or any photographs. Personal data that has been pseudonymised or key-coded may also fall within the scope of the GDPR if it is not difficult to attribute the pseudonym/code to a particular individual.

6.2.3 Special categories of personal data: sensitive information about a person's race, ethnicity, sexual orientation, political or religious beliefs, mental or physical health or condition, alleged or actual criminal offences. This data may include genetic or biometric data unique to the individual. The School has additional obligations in connection with the use of sensitive personal data.

6.2.4 Privacy Notices: are documents provided to data subjects which explain, in accessible language, what information the School collects about them, why we collect it and why it is



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lawful to do so and other important information.

6.2.5 Data Controllers: determine the purpose and means of processing personal information. The School is a 'Data Controller' and is therefore responsible for establishing practices and Policies in line with the GDPR.

6.2.6 Data Protection Officer(s): DPOs are those identified members of staff responsible for day to day compliance with this Policy.

6.2.7 Data Users: are our members of staff whose work involves processing personal information. Data users must protect the data they handle in accordance with this Policy.

6.2.8 Processing: means when personal information is used in a particular way. Processing may include obtaining, recording, holding, handling, disclosing, transportation, destroying or otherwise using data.

6.3 Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. We also have a duty to issue a Fair Processing Notice to all pupils, parents/carers that summarises the information held on pupils, why it is held and any other parties to whom information may be passed on. This is overseen by the DPO.

6.4 Data Protection Principles:

Data will be kept in obedience with the principles:

- Personal data shall be processed fairly, lawfully and in a transparent fashion (**Lawfulness, Fairness and Transparency**).
- Personal data shall be obtained only for one or more specified and legitimate purposes (**Purpose Limitation**)
- Personal data shall be adequate, relevant and not excessive and limited to what is necessary in relation to the purposes for which it is Processed (**Data Minimisation**)
- Personal data shall be accurate and where necessary, kept up to date (**Accuracy**)
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes and not be kept in a form which permits identification of Data Subjects for longer than is necessary (**Storage Limitation**)
- Personal data shall be processed in a secure manner that protects against unauthorised or unlawful Processing and against accidental loss, destruction or damage (**Security, Integrity and Confidentiality**).
- We must also demonstrate our compliance with these principles (**Accountability**)



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7. Privacy Notice

7.1 St Andrew's CE Primary School is a Data Controller for the purposes of the Data Protection Act and Freedom of Information Act 2000 - Registration Z4850446

7.2 We collect information from you and may receive information about you from your previous School and the Learning Records Service. We hold this personal data and use it to:

- protect and promote the interests and objectives of the School
- assess how well our School is doing
- provide pupils and staff with a safe and secure environment
- monitor communications to ensure compliance with acceptable use Policies
- maintain our own accounts and records
- administer School property and resources
- support and manage our employees (eg. payroll, career references)
- support teaching and learning
- monitor and report on pupil progress and attendance
- provide appropriate pastoral care and welfare support
- provide activities for pupils and parents/carers (eg. school trips, activity clubs)
- promote the School to prospective pupils and their parents/carers
- communicate with former pupils
- fundraise

This information includes your contact details, pupil national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information.

We also use CCTV systems to monitor and collect visual images for security and the prevention of crime.

We will not give information about you to anyone outside the School without your consent unless the Law and our rules allow us to. We are required by law to pass some information about you to the LA and the DfE and we share improvement Data with the Diocese.

We will keep your data secure and will only keep it for the length of time that it is necessary.

It is sometimes necessary to transfer personal information overseas. When this is needed, information may be transferred to countries or territories around the world. Any transfers made will be in full compliance with all aspects of the GDPR/the Data Protection Act, our Policy and your permission.

Please read this Policy in conjunction with the Freedom of Information Policy, Safeguarding and e-Safety Policy (for details of electronic data storage/collection and retrieval).

Further advice and information is available from the Information Commissioner's Office ico.org.uk

You are entitled to know what personal data we hold which relates to you and how the School uses it. This is known as a Subject Access Request. If you wish to see a copy of the Data that we hold on you/your child(ren), then please contact the School Office.



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8. Procedures

8.1 We are committed to maintaining the above principles at all times, therefore, our School will always:

- Inform individuals when information is being collected
- Gain permission for sensitive data to be held
- Inform individuals why the information is being collected
- Check the accuracy of the information it holds
- Ensure staff complies with the procedures
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally acceptable to do so
- Inform individuals when their information is shared, why it is shared and with whom it was shared
- Ensure that information is not retained for longer than is necessary
- Ensure obsolete information is destroyed appropriately and securely
- Comply with the duty to respond to requests for access to personal information referred to as Subject Access Requests

8.2 The School will process Data regarding:

- name, contact and personal details
- family, lifestyle and social circumstances
- financial details
- education details
- employment details
- disciplinary records
- vetting checks
- goods and services
- visual images, personal appearance and behaviour



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8.3 This may include information of a sensitive nature that includes:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs of a similar nature
- sexual life
- offences and alleged offences
- Trades Union membership

8.4 We hold information on:

- our pupils and parents/carers/guardians and School staff
- advisers and other professional experts
- members of the Governing Body
- donors and potential donors
- suppliers
- complainants and enquirers
- individuals captured by CCTV images

8.5 We share information where required by Law or where it is agreed with the Key Stakeholders with the following types of organisations as appropriate:

- education, training, careers and examining bodies
- School staff and Boards
- family, associates and representatives of the person whose personal data we are processing
- local and central government
- healthcare professionals
- social and welfare organisations
- police forces
- courts
- current, past or prospective employers
- voluntary and charitable organisations
- business associates and other professional advisers
- suppliers and service providers
- financial organisations
- security organisations
- press and the media



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8.6 Data Breach: is a breach of security leading to the destruction, loss, alteration, unauthorised disclosure or access to personal data and will be dealt with in the following way:

8.6.1 Any actual data breach or alleged data breach must be reported to the DPO as soon as it is discovered to enable its circumstances to be investigated and appropriate action taken to limit any damage and to prevent a similar occurrence.

8.6.2 Examples of breaches are mistakenly sending an email or letter containing personal data to an incorrect recipient, theft of IT equipment containing personal data or failing to deal with a Subject Access Request.

8.6.3 As soon as the School becomes aware of a significant data breach as determined by the DPO it has 72 hours in which to report the breach to the Information Commissioner's Office.

8.6.4 If a breach is found to be sufficiently serious and if not dealt with it is likely to result in a high risk of damaging the rights of individuals (eg. resulting in discrimination, damage to reputation, financial loss, identity theft, loss of confidentiality or other significant economic or social disadvantage) then not only does this breach must be reported to the ICO within 72 hours of its discovery but also the individuals concerned must be notified of the breach in a timely manner as directed by the DPO.

8.7 **All staff** will:

- collect only information they are entitled to collect and collate
- record Data accurately
- store all Data in the secure methods adopted by the School
- never leave Data where it could be taken by a third party (including in car boots)
- not share Data with people or groups unless specified as acceptable by the School DPO
- use Data in a sensitive manner and respect the owner of the Data
- follow all instructions given by the DPO
- report any data breaches immediately to the DPO



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8.8 The **School Leadership** will:

Headteacher and/or DPO

- ensure all Staff follow the Policy at all times
- monitor staff use of Data and its storage/deletion
- ensure the Data Protection and FOI registrations are current
- ensure pupils, staff, parents/carers and Governors all understand this Policy and its implications
- monitor and evaluate this Policy at regular intervals
- liaise with ICO and report breaches where they occur

Governance

- Appoint a DPO
- Ensure the Data held (both paper based and electronic) meet the requirements of the Law
- Rule on which organisations are deemed acceptable for the School to pass Data onto to and under what circumstances according to current regulations
- Follow all the rules of good Governance during Governing Body Meetings regarding Data/confidentiality procedures and who may access information and how it is recorded/shared



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9 Sources of further information and support

Cloud computing services and the Data Protection Act? – Lexology

<https://www.lexology.com/library/detail.aspx?g=7ca85e04-93e9-41d7-a5d4-164f1f506509>

The Data Protection, Privacy and Electronic Communications
(Amendments etc) (EU Exit) Regulations 2020 – legislation.gov.uk

<https://www.legislation.gov.uk/ukdsi/2020/9780348213522>

Data Protection – Gov.UK

<https://www.gov.uk/data-protection>

Who are we ICO? – Information Commissioner's Office

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