

ST VINCENT'S CATHOLIC PRIMARY SCHOOL



Data Protection Policy GDPR

Policy Date: May 2020
Revised: May 2022

Mission Statement

Caritas Christi Urget Nos

The love of Christ urges us to care for each other and strive for excellence in everything we do.

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).

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

2 LEGISLATION AND GUIDANCE

This policy has due regard to legislation including, but not limited to, the following:

- The General Data Protection Regulations (GDPR May 2018)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- 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 personal information and is implemented in conjunction with the following school policies:

- Acceptable use Policy including Photography and Videos at School
- Internet Safety Policy
- Freedom of Information Policy

3 APPLICABLE DATA

- 3.1 For the purpose of this policy, **personal data** refers to information that relates to an identifiable, living individual, including information such as an online identifier, eg an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, eg key-coded.

- 3.2 Sensitive personal data is referred to in the GDPR as 'special categories of personal data' which are broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include the processing of genetic data, racial or ethnic origin, political opinions, religious beliefs, union membership, biometric data and data concerning health matters.

4 DEFINITIONS

- Processing: Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
- 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.

5 THE DATA CONTROLLER

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

6 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.

6.1 Governing Board: The Governing Board has overall responsibility for ensuring that our school complies with all relevant data protection obligations

6.2 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 and will report directly to the Governing Board and, where relevant, report 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.

Our DPO is: Michael Gradwell

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

6.4 All 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 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.

7 DATA PROTECTION PRINCIPLES

In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

8 COLLECTING PERSONAL DATA

8.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law.

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 in 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 eg to protect someone's life

The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions

The data needs to be processed for **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)

The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent

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.

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent.

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

St Vincent's Catholic Primary School uses Close Circuit Television ("CCTV") for safeguarding purposes. CCTV scope comprises school building access points and the main site entrance. Recordings are kept for 30 days. Specific recordings which the school wishes to retain after this time will be logged (CCTV Policy).

8.2 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 Records Management Policy.

9 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 pupil or staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example IT companies. When doing this, we will:

Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law.

- 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.
- 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.
- 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.

10. Subject access requests and other rights of individuals

10.1 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.

10.2 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.

10.3 Responding to subject access requests

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
- 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
- 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.

10.4 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 8), individuals also have the right to:

- Withdraw their consent to processing at any time
- 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 DPO. If staff receive such a request, they must immediately forward it to the DPO

11. 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 record (which includes most information about a pupil) within 15 school days of receipt of a written request.

12. Biometric recognition systems

The school does not currently use biometric recognition systems

13. Photographs and videos

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

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. This permission will be asked for when parents receive their welcome packs when joining the school. 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 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 accompany them with any other personal information about the child, to ensure they cannot be identified.

See our Photography Consent Form for more information on our use of photographs and videos.

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 7);
- 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;
- updating staff on data protection guidance;
- regularly conducting reviews to test our privacy measures.

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 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 sign it in and out from the school office

- 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 online safety policy/ICT policy/acceptable use agreement)
- 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 9)

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.

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

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** 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
- Child Protection and Safeguarding Policy
- Online Acceptable Use Agreement
- The use of photographs and videos Consent Form

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 DPO:- *Address: Chorus Advisers UK, 4th Floor, Gateway Building, 10 Elmer Approach, Southend-on-Sea, Essex SS1 1LW; Email: info@chorusadvisers.co.uk*

The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO 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 DPO will alert the Headteacher and the Chair of Governors

The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by 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

The DPO 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 must notify the ICO.

The DPO 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 on the school's computer system.

Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO 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
- The name and contact details of the DPO
- A description of the likely consequences of the personal data breach
- 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 DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible.

The DPO 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 DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:

- The name and contact details of the DPO
- A description of the likely consequences of the personal data breach
- A description of the likely consequences of the personal data breach
- 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 DPO 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 DPO will document each breach, irrespective of whether it is reported to the ICO.

For each breach, this record will include the:

- facts and cause;

- effects;
- 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 on the school's computer system.

The DPO and Headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimise the impact of data breaches

We will take action to mitigate the impact of different types of data breach, focusing especially on breaches 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;
- To reasonably ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request;
- 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 that you might want to consider could include:

- Details of pupil premium interventions for named children being published on the school website
- Non-anonymised pupil exam results or staff pay information being shared with governors
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked
- The school's cashless payment provider being hacked and parents' financial details stolen.