



## Policy Statement

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|--------------------|-------------------------|
| <b>Subject</b>     | Data Protection         |
| <b>Coordinator</b> | School Business Manager |
| <b>Date</b>        | 2/7/2020                |
| <b>Review date</b> | July 2022               |

Newby Primary School is committed to being transparent about how it collects and uses the personal data of its workforce, pupils, parents and others.

We acknowledge that the personal data which we hold is subject to certain legal safeguards specified in the General Data Protection Regulation (GDPR) the Data Protection Act 2018 and other regulations pertaining to Data Protection.

The personal information gathered is in order for Newby Primary School to provide education and other associated functions. In addition there may be a legal requirement to collect and use information for the school to comply with its statutory obligations.

This policy applies to all personal information regardless of the way it is collected, used, stored and destroyed, irrespective of whether it is held in paper files or electronically.

Everyone has rights with regard to the way in which their personal data is handled. We will collect, store and process personal data about our pupils, workforce, parents and others. This means that Newby Primary School is a data controller in relation to that personal data, which includes both personal data, and special category personal data.

Newby Primary School is committed to processing personal data lawfully, fairly and in a transparent manner. We will only collect data for specified, explicit and legitimate purposes and we will only process it when necessary for operational reasons. In addition there may be a legal requirement to collect and use information for the school to comply with its statutory obligations.

All members of the school workforce must comply with this policy when processing personal data on our behalf and any breach of this policy may result in disciplinary or other action.

The law imposes significant fines for failing to lawfully process or safeguard personal data. The school must be registered with the Information Commissioners Office (ICO), issue privacy notices to pupils and parents and specify, map, and summarise the data the school holds on individuals and how this data is protected, as well as how data is shared with other data processing bodies.

This policy and other documents referred to in it set out the basis on which we will process any personal data we collect from data subjects, process on behalf of other bodies. The policy sets out rules on data protection and the legal conditions which must be satisfied.

A glossary of defined terms is included in Appendix A of this policy.

### Data Protection Officer

As a school, Newby Primary School is required to appoint a Data Protection Officer. The school has notified the Information Commissioner's Office that it is a Data Controller and has appointed a Data Protection Officer (DPO). Details of the DPO can be found here:

Information Governance  
Veritau Ltd  
County Hall  
Racecourse Lane  
Northallerton  
DL7 8AL



[schoolsDPO@veritau.co.uk](mailto:schoolsDPO@veritau.co.uk)  
01609 53 2526

The DPO is responsible for ensuring compliance with the Data Protection Legislation and this policy and can provide surety that this policy is being followed. The DPO is the central point of contact for all data subjects and others in relation to matters of data protection.

The DPO cannot be an individual in school who is responsible for the processing, collection or storage of personal data due to the potential for a conflict of interests.

### **Principles and Definitions of Personal Data**

Anyone processing personal data must comply with the data protection principles. These provide that personal data must be:

- processed fairly and lawfully and transparently in relation to the data subject
- processed for specified, lawful purposes and in a way which is not incompatible with those purposes
- adequate, relevant and not excessive for the purpose
- accurate and up to date
- not kept for any longer than is necessary for the purpose
- Processed securely using appropriate technical and organisational measures.

Personal data must also:

- be processed in line with data subjects' rights
- Not be transferred to people or organisations situated in other countries without adequate protection.

We will comply with these principles in relation to any processing of personal data by Newby Primary School.

**Personal Data** is defined as any information that relates to an individual who can be identified from that information. Processing is any use that is made of that data including collection, storing, transferring, amending, disclosing or destroying it.

**Special Category Personal Data** is information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

### **Fair and lawful processing**

Data Protection Legislation is not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. For personal data to be processed fairly, data subjects must be made aware:

- that the personal data is being processed

- why the personal data is being processed
- what the lawful basis is for that processing (see below)
- whether the personal data will be shared, and if so with whom
- the period for which the personal data will be held
- the existence of the data subject's rights in relation to the processing of that personal data
- the right of the data subject to raise a complaint with the ICO

We will only obtain and store such personal information as is necessary and relevant to the purpose for which it was gathered and ensure that we have a lawful basis for any processing. GDPR specifies six lawful reasons for processing, as follows:

- Consent – where the data subject has given explicit consent for the data to be processed and how, see below. In general, this condition will only be used by the school in narrowly defined and minimal circumstances, as one or more of the other conditions will apply
- Contract – where there is a contract between the school and the data subject, we will hold and process the data necessary for contractual obligations to be fulfilled, either by the data subject or by Newby Primary School
- Legal obligation – where the school has a legal obligation to hold or process personal data, such as interaction with the Disclosure and Barring service to ensure safeguarding
- Vital interest – where the personal data needs to be processed to protect someone's life (not necessarily the life of the data subject). This will apply in health and safeguarding cases.
- Public task – Processing and retention of data in the exercise of official authority and in the public interest, including necessary processing for educational purposes
- Legitimate interest – Where data processing can be reasonably expected and will have a minimal privacy impact, processing is necessary and other lawful reasons do not apply.

We will inform data subjects of the above matters by use of appropriate privacy notices which shall be provided to them when we collect the data or as soon as possible thereafter, unless we have already provided this information such as at the time when a pupil joins us. The basis for the collection, storage and processing of any data will be recorded in the Data Asset register.

### **Consent**

There are strict legal requirements in relation to the form of consent that must be obtained from data subjects. When pupils and or our workforce join Newby Primary School, a consent form will be required to be completed in relation to them. This consent form deals with the taking and use of photographs and videos of them among other things. Where appropriate third parties may also be required to complete a consent form.

In relation to our pupils, all of whom are under the age of 12 years old, we will seek consent from an individual with parental responsibility for that pupil. Consent must inform the data subject of exactly what we intend to do with their personal data, require them to positively confirm that they consent – we cannot ask them to opt-out rather than opt-in and inform the data subject of how they can withdraw their consent. Records will be kept of any consent given.

### **Processing for limited purposes**

In the course of our activities as a school, we may collect and process the personal data set out in our Data Access Register. This may include personal data we receive directly from a data subject (for example, by completing forms or by corresponding with us by mail, phone, email or otherwise) and personal data we receive from other sources (including, for example, Local Authorities, other schools, parents, other pupils or members of our workforce).

We will only process personal data for the specific purposes set out in Data Asset register or for any other purposes specifically permitted by Data Protection Legislation or for which specific consent has been provided by the data subject.

### **Data Retention**

Data shall be retained for only as long as it is necessary. In some cases, this may include a significant period when a pupil or other subject has left the school, for example in the case of Safeguarding information, in which case there is a legal duty to retain the information until the child has reached the age of 25, or audit information which is required to be kept for seven years.

Other information will be securely stored in line with the IMRS (Information and Records Management Society) toolkit for schools. After the retention period has expired, the data will be destroyed appropriately and securely.

### **Notifying data subjects**

If we collect personal data directly from data subjects, we will inform them about:

- our identity and contact details as Data Controller and those of the DPO
- the purpose or purposes and legal basis for which we intend to process that personal data
- the types of third parties, if any, with which we will share or to which we will disclose that personal data
- whether the personal data will be transferred outside the European Economic Area ('EEA') and if so the safeguards in place
- the period for which their personal data will be stored, by reference to the retention schedule provided by the IMRS toolkit. This will be revised as necessary in line with current best practice.
- the existence of any automated decision making in the processing of the personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making
- the rights of the data subject to object to or limit processing, request information, request deletion of information or lodge a complaint with the ICO.

Unless we have already informed data subjects that we will be obtaining information about them from third parties (for example in our privacy notices), then if we receive personal data about a data subject from other sources, we will provide the data subject with the above information as soon as possible thereafter, informing them of where the personal data was obtained from.

### **Relevancy and Accuracy**

We will only collect personal data to the extent that it is required for the specific purpose notified to the data subject, unless otherwise permitted by Data Protection legislation, and we will ensure it is accurate and kept up to date. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data. Data subjects have a right to have any inaccurate personal data rectified. We will not keep personal data for longer than is necessary for the purpose or purposes it was collected, except in cases where there is a legal basis for retention such as financial records. Data which is no longer required will be destroyed or erased using secure methods.

### **Processing in line with data subject's rights**

We will process all personal data in line with data subjects' rights, in particular their right to:

- request access to any personal data we hold about them
- object to the processing of their personal data, including the right to object to direct marketing
- have inaccurate or incomplete personal data about them rectified
- restrict processing of their personal data
- have personal data we hold about them erased (except where there is a legal basis for retention, such as vital interest or public interest)
- have their personal data transferred
- object to the making of decisions about them by automated means (there are no automated decision making processes at the school at present)

Data subjects may request access to all personal data we hold about them. Such requests will be considered in line with the schools Subject Access Request Procedure. Where a request is clearly repetitive or unfounded, and a previous request for information has been fulfilled, a charge will be

levied to cover the cost of additional administration and postage, including for Subject Access Requests repeated within twelve months of a previous request.

In certain circumstances data subjects may object to us processing their personal data. This right may be exercised in relation to processing that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task carried out in the public interest. An objection to processing will always be referred to the DPO, as an objection can be overridden if the school can demonstrate compelling legitimate grounds which override the rights of the data subject. No data collected at Newby will be used for direct marketing.

If a data subject informs the school that personal data held about them is inaccurate or incomplete we will consider the request and provide a response within one month, although we will endeavour to correct inaccurate information as soon as practicable. In complex cases, we may extend the response period by a further two months and will notify the subject accordingly. We may determine that the changes proposed should not be made and will explain the reasoning to the subject. We will also inform them of their right to complain to the ICO.

### **HR related personal data**

The school will also process data, including special category data and criminal records data to perform obligations and exercise rights in employment law. These will be recorded on the school Data Asset Register.

### **Individual Staff Responsibilities**

Individual staff who have access to personal data are required:

- to access only data that they have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the school) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);
- not to remove personal data, or devices containing or that can be used to access personal data, from the school's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the school's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing employee or customer data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

### **The Right to Restrict Processing**

Data subjects have a right to 'block' or suppress the processing of personal data. This means that the school can continue to hold the personal data but not do anything else with it.

The school must restrict the processing of personal data:

- where it is in the process of considering a request for personal data to be rectified (see above)
- where the School is in the process of considering an objection to processing by a data subject
- where the processing is unlawful but the data subject has asked the School not to delete the personal data
- where the School no longer needs the personal data but the data subject has asked the School not to delete the personal data because they need it in relation to a legal claim, including any potential claim against the School

If the School has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any restriction, unless this proves impossible or involves a disproportionate effort.

The DPO must be consulted in relation to requests under this right.

### **The Right to Be Forgotten**

Data subjects have a right to have personal data about them held by the School erased only in the following circumstances.

- Where the personal data is no longer necessary for the purpose for which it was originally collected.
- When a data subject withdraws consent – which will apply only where the School is relying on the individual's consent to the processing in the first place.
- When a data subject objects to the processing and there is no overriding legitimate interest to continue that processing – see above in relation to the right to object.
- Where the processing of the personal data is otherwise unlawful.
- When it is necessary to erase the personal data to comply with a legal obligation.

The School is not required to comply with a request by a data subject to erase their personal data if the processing is taking place:

- to exercise the right of freedom of expression or information
- to comply with a legal obligation for the performance of a task in the public interest or in accordance with the law
- for public health purposes in the public interest
- for archiving purposes in the public interest, research or statistical purposes
- in relation to a legal claim.

If the School has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this proves impossible or involves a disproportionate effort. The DPO must be consulted in relation to requests under this right.

### **Right to Data Portability**

In limited circumstances a data subject has a right to receive their personal data in a machine readable format, and to have this transferred to other organisation. If such a request is made then the DPO must be consulted. Data will also be transferred between schools when a pupil joins or leaves Newby Primary School according to DfE data protocols and in accordance with responsibilities under Public Task

### **Data security**

We will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. We will put in place and maintain procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

All security measures will be detailed on the Data Asset Register and will be regularly reviewed and updated.

### **Security procedures include:**

Entry controls. Any stranger seen in entry-controlled areas should be reported to the administration team.

Secure lockable desks, cupboards and offices. Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

Methods of disposal. Paper documents containing personal information will be shredded offsite using Bradford Waste Chasers. Digital storage devices should be physically destroyed when they are no longer required. IT assets must be disposed of in accordance with the Information Commissioner's Office guidance on the disposal of IT assets.

Equipment. Data users must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

Working away from the school premises – paper documents.

Working away from the school premises – electronic working. Details of remote working and USB policy

Document printing. Documents containing personal data must be collected immediately from printers and not left on photocopiers. Photocopiers will require a password to physically release printed documents.

Any member of staff found to be in breach of the above security measures may be subject to disciplinary action.

### **Data Record keeping**

The types of data, basis for processing, access rights, storage methods and retention periods for each data item will be recorded on the Data Asset Register.

### **Data Protection Impact Assessments**

The School takes data protection very seriously, and will consider and comply with the requirements of Data Protection Legislation in relation to all of its activities whenever these involve the use of personal data, in accordance with the principles of data protection by design and default.

In certain circumstances the law requires us to carry out detailed assessments of proposed processing.

This includes where we intend to use new technologies which might pose a high risk to the rights of data subjects because of the types of data we will be processing or the way that we intend to do so.

The School will complete an assessment of any such proposed processing and has a template document which ensures that all relevant matters are considered.

The DPO should always be consulted as to whether a data protection impact assessment is required, and if so how to undertake that assessment.

### **Disclosure and sharing of personal information**

We may share personal data that we hold about data subjects, and without their consent, with other organisations. Such organisations include the Department for Education, [and / or Education and Skills Funding Agency ESFA], Ofsted, health authorities and professionals, the Local Authority, examination bodies, other schools, and other organisations where we have a lawful basis for doing so. The School will inform data subjects of any sharing of their personal data unless we are not legally required to do so, for example where personal data is shared with the police in the investigation of a criminal offence.

In some circumstances we will not share safeguarding information. Please refer to the Safeguarding Policy

Further detail is provided in our Schedule of Processing Activities.

### **Data processors**

We contract with various organisations who provide services to the School including:

Payroll & HR Providers

Catering providers

ICT services providers

Educational software suppliers

In order that these services can be provided effectively we are required to transfer personal data of data subjects to these data processors. Details of the data transferred will be kept on the Data Asset Register

Personal data will only be transferred to a data processor if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures themselves to the satisfaction of the [Trust/Academy/School]. The School will always undertake due diligence of any data processor before transferring the personal data of data subjects to them.

Contracts with data processors will comply with Data Protection Legislation and contain explicit obligations on the data processor to ensure compliance with the Data Protection Legislation, and compliance with the rights of Data Subjects. Privacy notices and terms and conditions will be kept with other GDPR documentation.

### **Images and videos**

Whenever a pupil begins their attendance at the School they, or their parent where appropriate, will be asked to complete a consent form in relation to the use of images and videos of that pupil. We will not use images or videos of pupils for any purpose where we do not have consent.

As a School we want to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering school events or achievements. If photography or videos are to be used in specific instances outside school, explicit permission will be sought.

We also explicitly state on the same form that we cannot guarantee a child will not be photographed at a public event, ie. a show, concert or sports day. We ask parents to agree that they will not upload images of other people's children that they may have taken at school events on social media and request that they sign to say that they are aware of this policy.

### **CCTV**

The school has a CCTV system for the purposes of security, particularly as a deterrent against burglary, theft and vandalism and for the protection of children and staff entering and leaving school. The CCTV system is designed to cover the exterior of the building and the main entrance of school. It does not operate in classrooms, cloakrooms or teaching areas of school. Signage informs visitors to the school that CCTV is in operation.

The CCTV system will only be viewed in response to a particular incident. The images are stored on a separate hard drive within school. CCTV images that are not stored for a particular purpose (usually at the request of the police) are automatically deleted after one month.

Other parties will be allowed access to CCTV images upon request but only in response to specific incidents, when it is suspected a criminal action has taken place. If necessary, the school will allow the Police to take copies of the images to be used in any legal proceedings.

### **Changes to this policy**

We may change this policy at any time. Where appropriate, we will notify data subjects of those changes.



Signed by Chair of CPC Committee 6<sup>th</sup> July 2020



## APPENDIX A DEFINITIONS

### Term

### Definition

|                                |   |
|--------------------------------|---|
| Data                           | Information which is stored electronically, on a computer, or in certain paper-based filing systems.  |
| Data Subjects                  | For the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.   |
| Personal Data                  | Any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.   |
| Data Controllers               | The people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes.   |
| Data Users                     | Those of our workforce (including governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.   |
| Data Processors                | Any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.  |
| Processing                     | Any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties. |
| Special Category Personal Data | Information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.  |
| Workforce                      | Includes any individual employed by Newby Primary School such as staff and those who volunteer in any capacity including governors and parents.   |