



**Richard Challoner School**

**Data Protection Policy**

**November 2018**

## **Data Protection Policy**

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## 1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, trustees, visitors and other individuals is collected, stored and processed in accordance with the [General Data Protection Regulation \(GDPR\)](#) and the provisions of the Data Protection Act 2018 (DPA 2018). This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the GDPR and the provisions of the DPA 2018. 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 meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to the use of biometric data. It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

## 3. Definitions

Term	Definition
<b>Personal data</b>	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none"> <li>● Name (including initials)</li> <li>● Identification number</li> <li>● Location data</li> <li>● Online identifier, such as a username</li> </ul> It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
<b>Special categories of personal data</b>	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none"> <li>● Racial or ethnic origin</li> <li>● Political opinions</li> <li>● Religious or philosophical beliefs</li> <li>● Trade union membership</li> <li>● Genetics</li> <li>● Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li> <li>● Health – physical or mental</li> <li>● Sex life or sexual orientation</li> </ul>
<b>Processing</b>	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.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.
<b>Acronyms used in this policy:</b> <b>DPA 2018:</b> Data Protection Act 2018 (DPA 2018) <b>DPO:</b> Data Protection Officer <b>GDPR:</b> General Data Protection Regulation <b>ICO:</b> Information Commissioner's Office	



#### 4. The data controller

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

The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

#### 5. 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.

##### 5.1 Trust board

The Governing Body has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

##### 5.2 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.

They will provide an annual report of their activities directly to the Governing Body, and, where relevant, report to the board 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. Full details of the DPO's responsibilities are set out in their job description.

**Our DPO is Mike Cloudsdale and is contactable via:**

email [dataprotection@richardchalloner.com](mailto:dataprotection@richardchalloner.com)

telephone: 020 8330 5947

##### 5.3 Head teacher

The head teacher acts as the representative of the data controller on a day-to-day basis.

##### 5.4 All staff

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 have any concerns that this policy is not being followed
  - 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



## 6. Data protection principles

The GDPR is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

## 7. Collecting personal data

### 7.1 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, as a public authority, can perform a task **in the public interest**, and carry out its official functions (i.e the provision of education)
- 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 into 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 e.g. to protect someone's life
- The data needs to be processed for the **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.

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

### 7.2 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 record retention schedule (copy published on [the Data Protection Page](#) on our website).

## 8. 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 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.

## **9. Subject access requests and other rights of individuals**

### **9.1 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 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.

### **9.2 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 aged 12 and above are generally 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 not 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.



### 9.3 Applications made on behalf of individuals by third parties

Any individual, including a child with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances we must have written evidence that the individual has authorised the person to make the application and the Data Protection Officer must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

### 9.4 Responding to subject access requests

When responding to requests, we:

- May ask for any further information reasonably required to locate the information
- 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
- complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

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

Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

If we intend to apply any exemption to a request then we will usually explain which exemption is being applied and why.

An individual only has the automatic right to access information about themselves, and care will be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care will be taken in the case of any complaint or dispute to ensure confidentiality is protected.

All files must be reviewed by the Data Protection Officer before any disclosure takes place. Access will not be granted before this review has taken place.

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.

### 9.5 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 (usually provided in a Privacy Notice see section 7), 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 any 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.

#### **10. Parental requests to see the educational record**

As an academy there is no automatic parental right of access to the educational records we hold. Where parents, or those with parental responsibility, make a reasonable request for a copy of a document

Containing information that would be shared with them in the usual course of business in any event (such as assessment data, attendance or behavior records), these will be provided within 15 school days of receipt of a written request. Other requests for information will be dealt with as a Subject Access Request (see section 9) and must be immediately passed to the Data Protection Officer.

#### **11. Biometric recognition systems**

***(Note: in the context of the Protection of Freedoms Act 2012, a “child” means a person under the age of 18.)***

If we use pupils’ biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school’s biometric systems. We will provide alternative means of accessing the relevant services for those pupils.

Parents/carers and pupils can object to participation in the school’s biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted. As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil’s parent(s)/carer(s).

Where staff members or other adults use the school’s biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.





## 12. CCTV

We use CCTV in various locations around the school site (including both inside and outside the building) for the purpose of crime prevention and detection and for protecting the safety and wellbeing of pupils, staff and visitors. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are visible and there is signage throughout the site explaining that CCTV is in use, including a prominent sign at the main site entrance.

Any enquiries about the CCTV system should be directed the Systems Manager (or to the DPO if the enquiry relates to a data protection issue).

## 13. Photographs and videos

Photographs and videos taken of pupils and staff for a purpose that falls within the provision of education may come under the public task purpose (such as the pupil photographs used for identification purposes in SIMS and Mint Class or where a video is made as an element of assessment in a course like drama).

Where we use photographs or videos to promote the school or for another purpose which does not fall clearly within the provision of education, we will obtain the consent of the individuals shown (including staff and trustees) before they are published.

For safeguarding reasons we will obtain consent from parents/carers of pupils aged below 18.

As personal data about a child belongs to that child, we will also seek the consent of pupils where they are at an age where children are generally considered capable of providing informed consent for data processing. However, a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Where we seek consent we will set out the intended uses of images and make it clear that consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete any photograph or video held and not distribute it further.

When we publish photographs and videos of pupils we will not include their full names in any accompanying text.

## 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 6)
- 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
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters;
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant



- 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 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
- Access to school computers, laptops and other electronic devices is password protected. Staff and pupils are reminded not to share their passwords
- All school laptops issued to staff will be encrypted by the beginning of the autumn term to prevent unauthorised access to any personal data on the hard drive if the laptop is lost or stolen. Data is not permitted to be removed from school using a USB device.
- When staff (or trustees) use a personal device to access personal data remotely, this should not be downloaded and stored on that device. Staff and trustees should ensure they log out when they have finished.
- 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 8)

### **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. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

### **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 2. When appropriate, we will report the data breach to the ICO within 72 hours.

### **18. Training**

All staff and trustees are provided with data protection guidelines 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 updated at least every two years or sooner if required to reflect statutory amendments.



## Appendix: Breach Reporting Procedures

These procedures are based on the [guidance on personal data breaches](#) produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Data Protection Officer (DPO).
- 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 head teacher and the chair of the Trust Board when a breach has occurred (unless the breach is minor and it is clear there is no risk to people's rights and freedoms).
- 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 these procedures).
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen.
- The DPO will decide whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. 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 in the Breach Log in the Data Protection Team Drive.
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#) without undue delay and in all cases 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 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 in the Breach Log in the Data Protection Team Drive.

- The DPO, head teacher and other members of the Senior Leadership Team will meet to review what happened and how it can be stopped from happening again and the effectiveness of the response. This meeting will happen as soon as reasonably possible following the breach.

### **Actions to minimise the impact of data breaches**

The actions set out below will be taken to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. The effectiveness of these actions will be reviewed and the actions developed and amended 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, as soon as they become aware of the error the sender must contact the DPO and 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.
- The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request.
- The DPO will 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.
- 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 and delete the information and not share, publish, save or replicate it in any way.