



# Data Protection Policy

Approval delegated to	<b>Headteacher</b>
Status	<b>Statutory</b>
Review Cycle	<b>Annually</b>
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## Purpose

The School ensures that there are clear protocols when managing all data for pupils, families and staff.

## Links with other policies/ documents

Acceptable usage, Freedom of information, Privacy Notices.



## Introduction

Lime Tree Primary School needs to keep certain information about its employees, students and other users to allow it to monitor performance, achievements, and health and safety. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with. To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

The Head teacher and governors of the school will comply fully with the requirements and principles of the General Data Protection Regulation (2018). All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within the guidelines established by the Act. The school has privacy notices for staff and pupils that outline the reasons why data is collected, used and stored.

### Definitions under the Act

- **Consent** - freely given, specific, informed and explicit consent by statement or action signifying agreement to the processing of their personal data
- **Data Concerning Health** - any personal data related to the physical or mental health of an individual or the provision of health services to them
- **Data Controller** - the entity that determines the purposes, conditions and means of the processing of personal data
- **Data Erasure** - also known as the Right to be Forgotten, it entitles the data subject to have the data controller erase his/her personal data, cease further dissemination of the data, and potentially have third parties cease processing of the data
- **Data Portability** - the requirement for controllers to provide the data subject with a copy of his or her data in a format that allows for easy use with another controller
- **Data Processor** - the entity that processes data on behalf of the Data Controller
- **Data Protection Authority** - national authorities tasked with the protection of data and privacy as well as monitoring and enforcement of the data protection regulations within the Union
- **Data Protection Officer** - an expert on data privacy who works independently to ensure that an entity is adhering to the policies and procedures set forth in the GDPR
- **Data Subject** - a natural person whose personal data is processed by a controller or processor
- **Encrypted Data** - personal data that is protected through technological measures to ensure that the data is only accessible/readable by those with specified access
- **Filing System** - any specific set of personal data that is accessible according to specific criteria, or able to be queried



- **Personal Data** - any information related to a natural person or ‘Data Subject’, that can be used to directly or indirectly identify the person
- **Personal Data Breach** - a breach of security leading to the accidental or unlawful access to, destruction, misuse, etc. of personal data
- **Privacy by Design** - a principle that calls for the inclusion of data protection from the onset of the designing of systems, rather than an addition
- **Privacy Impact Assessment** - a tool used to identify and reduce the privacy risks of entities by analysing the personal data that are processed and the policies in place to protect the data
- **Processing** - any operation performed on personal data, whether or not by automated means, including collection, use, recording, etc.
- **Profiling** - any automated processing of personal data intended to evaluate, analyse, or predict data subject behaviour
- **Pseudonymisation** - the processing of personal data such that it can no longer be attributed to a single data subject without the use of additional data, so long as said additional data stays separate to ensure non-attribution
- **Right to be Forgotten** - also known as Data Erasure, it entitles the data subject to have the data controller erase his/her personal data, cease further dissemination of the data, and potentially have third parties cease processing of the data
- **Right to Access** - also known as Subject Access Right, it entitles the data subject to have access to and information about the personal data that a controller has concerning them
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### **1. The key principles of the General Data Protection Regulation (GDPR):**

**1.1 Lawfulness, fairness and transparency**- Transparency: Tell the subject what data processing will be done. Fair: What is processed must match up with how it has been described. Lawful: Processing must meet the tests described in GDPR [article 5, clause 1(a)].

**1.2 Purpose limitations** - Personal data can only be obtained for “specified, explicit and legitimate purposes” [article 5, clause 1(b)]. Data can only be used for a specific processing purpose that the subject has been made aware of and no other, without further consent.

**1.3. Data minimisation** - Data collected on a subject should be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed” [article 5, clause 1(c)]. In other words, no more than the minimum amount of data should be kept for specific processing.

**1.4. Accuracy**- Data must be “accurate and where necessary kept up to date” [article 5, clause 1(d)]. Baseline ensures good protection and protection against identity theft. Data holders should build rectification processes into data management / archiving activities for subject data.



**1.5. Storage limitations** - Regulator expects personal data is “kept in a form which permits identification of data subjects for no longer than necessary” [article 5, clause 1(e)]. In summary, data no longer required should be removed.

**1.6. Integrity and confidentiality**- Requires processors to handle data “in a manner [ensuring] appropriate security of the personal data including protection against unlawful processing or accidental loss, destruction or damage” [article 5, clause 1(f)].

**1.7. Accountability** - The accountability principle in Article 5(2) is the GDPR requires the school to demonstrate that they comply with the principles and states explicitly that this the responsibility of the school.

All staff or others who process or use personal information must ensure that they follow these principles at all times.

## **2. Status of this Policy**

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the school from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings. All staff acknowledge that they have read, understood and will comply with the principles of this policy annually.

## **3. The Data Controller and the Designated Data Controllers**

- The Head Teacher is the Senior Information Risk Officer (SIRO).
- The school currently engages “Satswana Limited”, to provide a Data Protection Officer Service, with responsibility for data protection compliance.
- Staff are clear who the key contact(s) for key school information are (the Information Asset Owners).
- We ensure staff know to immediately report, and who to report to, any incidents where data protection may have been compromised, such as when passwords for sensitive systems or devices are lost or stolen, so that relevant action(s) can be taken.

## **4. Responsibilities of Staff**

All staff are DBS checked and records are held in one central record on an encrypted spreadsheet.

All staff sign an “Acceptable Use Agreement” which sets out responsibilities and expectations with regard to data security

All staff are responsible for:

- Checking that any information that they provide to the school in connection with their employment is accurate and up to date.



- Informing the school of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.

The school cannot be held responsible for any errors unless the staff member has informed the school of such changes. However, once the school has been informed of any change in circumstances, their record must be updated as soon as practicable.

## **5. Data Security**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely (through digital encryption or in physical locked storage).
- Personal information is not disclosed either orally or in writing or via digital or by any other means, accidentally or otherwise, to any unauthorised third party.

### **Personal information should:**

- Be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password
- Computer printouts as well as source documents must be shredded before disposal.
- All memory sticks should be encrypted.

Overall security policy for data is currently determined by "Satswana Limited", the external professional company engaged by the school to provide a Data Protection Officer Service. This is monitored and reviewed regularly, especially if a security loophole or breach becomes apparent.

Any queries or concerns about security of data in the school should in the first instance be referred to the Headteacher.

The school is liable in law under the terms of the GDPR, and staff are responsible for ensuring that practices that have been put in place by the school are adhered to. The school may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this General Data Protection Policy by a member of staff will be treated as disciplinary matter, and serious breaches could lead to dismissal.

### **5.1 Strategic and operational practices to ensure data security**

- We have approved educational web filtering across our wired and wireless networks.
- We monitor school emails and web usage to ensure compliance with the Acceptable Use Agreement.



- We follow borough guidelines for the transfer of any data, such as MIS data or reports of children, to professionals working in the Local Authority or their partners in Children's Services / Family Services, Health, Welfare and Social Services.
- All staff have their own unique username and private passwords to access school systems. Staff are responsible for keeping their passwords private.
- We require staff to use strong passwords for access into our SIMS system.
- We require that any personal/sensitive material must be encrypted.
- No sensitive data is stored locally on any device.
- The school network has up-to-date anti virus software, which is maintained by LGfL and Click on IT
- Pseudonymisation will be used for paper copies of sensitive information (e.g. lesson plans and incident reports) where possible to minimise risk
- We ask staff to undertake house-keeping checks at least termly to review, remove and destroy any digital materials and documents which need no longer be stored.

## 5.2 Technical or manual solutions to ensure data security

- We require staff to lock or log-out of systems when leaving their computer, but also enforce lock-out after 10 mins for admin computers.
- We use the DfE S2S site to securely transfer CTF pupil data files to DfE / other schools.
- We use the Pan-London Admissions system to transfer admissions data.
- We use LGfL AutoUpdate for creation of online user accounts for access to services and online resources.
- We use LGfL's USO-FX2 to transfer documents to schools in London, such as references, reports of children.
- We store any sensitive/special category written material in lockable storage cabinets in a lockable storage area.
- All servers are in lockable locations and managed by DBS-checked staff (from Click on IT).
- We comply with the Waste Electrical and Electronic Equipment (WEEE) directive on equipment disposal, by using an approved disposal company for disposal of IT equipment. For systems, where any protected or restricted data has been held, (such as servers, photocopiers), we get a certificate of secure deletion.
- Portable equipment loaned by the school (for use by staff at home), where used for any protected data, is disposed of through the same procedure.
- Paper based sensitive information is shredded onsite.



The School will, in general, only disclose data about individuals with their consent. However, the school is required, by law, to pass on some of this personal data to the local authority and the Department for Education (DfE). The school will share staff details with the following in order to facilitate the smooth running of the school:

- EPM and Schools Management Services – Payroll
- EPM – Human Resources
- Teacher/ Local Government Pension Scheme - Pensions
- LGFL - IT services
- Cygnet - Single Information Management System (SIMS)
- Educational apps for children - to enable management of pupils' learning
- Imago photography company
- Parentpay (lunch and trip payments)

Governing body meetings - The school will anonymise the data by removing staff and Governor members' names. To further ensure confidentiality, the minutes from the Pay Committee meeting will be kept confidential, and governors attending the meeting should be made aware that the information disclosed – and the meeting itself – is confidential. So that they do not breach the confidentiality of any members of staff, as a matter of good practice the school will ensure that no staff governors are present in the discussion of a teacher's appraisal targets.

Whilst the majority of pupil information provided to the school is mandatory, some of it is provided to on a voluntary basis. In order to comply with the General Data Protection Regulation, the school will inform parents whether they are required to provide certain pupil information to us or if they have a choice in this.

The categories of pupil information that is collected, held and shared include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)

Information collected about pupils will be kept for 6 years from the first day a child starts school, unless there are additional legal circumstances to be kept longer. The school is required, by law, to pass certain information about our pupils to our local authority (LA) and the Department for Education (DfE). The DfE may also share pupil level personal data that the school supplies to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the General Data Protection Regulation 2018. The National Pupil Database (NPD) is owned and



managed by the Department for Education and contains information about pupils in schools in England.

It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies. The school is required by law, to provide information about pupils to the DfE as part of statutory data collections such as the school census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

## 6. Rights to Access Information

All staff, parents and other users are entitled to:

- Know what information the school holds and processes about them or their child and why.
- Know how to gain access to it.
- Know how to keep it up to date.
- Know what the school is doing to comply with its obligations under the 1998 Act.

The school will, upon request, provide all staff and parents and other relevant users with a statement regarding the personal data held about them. This will state all the types of data the school holds and processes about them, and the reasons for which they are processed.

All staff, parents and other users have a right under the General Data Protection Regulation 2018 Act to access certain personal data being kept about them or their child either on computer or in certain files. Any person who wishes to exercise this right should complete the Subject Access Request Form and submit it to the head teacher. Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent.

Please also see our Freedom of Information policy available on our website:

[https://docs.google.com/document/d/160DyBVCLgnT1MbugaXdVnjB04I-g\\_zOxxrr0-Zz-Zqg/edit?usp=sharing](https://docs.google.com/document/d/160DyBVCLgnT1MbugaXdVnjB04I-g_zOxxrr0-Zz-Zqg/edit?usp=sharing)

Please also see our Privacy Notice on our website here:

<https://drive.google.com/file/d/1ZNjLQUCZ-vmrAaGKpZj6hZ1YjGSNI2yj/view?usp=sharing>

The school aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within 1 month, as required by the GDPR Act.

## 7. Subject Consent

In many cases, the school can only process personal data with the consent of the individual. In some cases, if the data is sensitive, as defined in the GDPR Act, express consent must be obtained. Agreement to the school processing some specified classes of personal data is a condition of acceptance



of employment for staff. This includes information about previous criminal convictions. Working within a school will bring the applicants into contact with children. The school has a duty under the Children Act 1989 and other enactments to ensure that staff are suitable for the job. The school has a duty of care to all staff and students and must therefore make sure that employees and those who use school facilities do not pose a threat or danger to other users.

The school may also ask for information about particular health needs, such as allergies to particular forms of medication, or any medical condition such as asthma or diabetes.

The school will only use this information in the protection of the health and safety of the individual, but will need consent to process this data in the event of a medical emergency, for example.

## **8. Processing Sensitive Information**

Sometimes it is necessary to process information about a person's health, criminal convictions, or race. This is known as personal data and data concerning health. This may be to ensure that the school is a safe place for everyone, or to operate other school policies, such as the Sick Pay Policy or the Equal Opportunities Policy. An offer of employment may be withdrawn if an individual refuses to consent to this without good reason. Non-sensitive information will be collected by the school annually. Staff and parents have the right to withhold consent to give any non-sensitive data. The school has data erasure systems in place to ensure that an individual's right to be forgotten can be exercised. The Single Information Management System (SIMS) ensures data portability through the use of common transfer protocol (CTF) files.

## **9. Processing and storing data**

The school is a data controller and collects data for a variety of purposes. (See information Asset register) This data is stored on the Single Information Management System (SIMS). Additional third parties are also used as data processors. The school is responsible for ensuring that all data processors are compliant with the GDPR Act (See Processors statements). All pupils and staff are aware of what data is processed by the school, the basis for collection and the retention period for the data as outlined in the school's privacy notices for staff and pupils.

## **10. Retention of Data**

The school has a duty to retain some staff and student personal data for a period of time following their departure from the school, mainly for legal reasons, but also for other purposes such as being able to provide references or academic transcripts. Different categories of data will be retained for different periods of time. Data held about individuals will not be kept for longer than necessary for the purposes required. It is the duty of the Data Protection Officer to ensure that obsolete data is properly erased.



## **11. Rights of individuals**

Under the GDPR Act, all stakeholders have the right to:

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

## **12. Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner.

## **13. Data breaches**

In the event of a personal data breach, the school will conduct an assessment to determine the potential risk of harm to the data subject(s) rights and freedoms. The school will report a personal data breach to the Information Commissioner's Office (ICO) if it is likely to result in a risk to people's rights and freedoms. In the event of a data breach, the school will contact the ICO using reporting tool (<https://report.ico.org.uk/security-breach/>)

## **14. Compliance**

Compliance with the GDPR Act is the responsibility of all members of the school. Any deliberate breach of the General Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

## **15. Contact Details:**

Satswana Limited

Suite G12 Ferneberga House  
Alexandra Road,  
Farnborough,  
Hampshire,  
GU14 6DQ

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