



## STREATLEY PRIMARY SCHOOL

### Data Protection (GDPR) Policy

#### Document Control Information

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This policy is adapted from a West Berkshire Council model policy and guide for schools

### 1.0 Aims and Objectives:

The aim of this policy is to provide a set of guidelines to enable all members of staff to understand:

- The law regarding personal data
- The importance of Personal Data governance
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and pupils can access personal data
- Examples of good practices

The objective of the policy is to ensure that Streatley CE Primary School acts within the requirements of the Data Protection Act 2018 (DPA 2018) and General Data Protection Regulation (GDPR) when retaining and storing personal data, and when making it available to individuals.

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

### 2.0 Data

- **Personal data** refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g. 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, e.g. key-coded.
- **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 and data concerning health matters.

### 3.0 Data Protection – the law:

- Under the Data Protection Act 2018, and other regulating Acts, access to their own personal data is a statutory right for pupils (if they are of an age to understand the data they request) and parents (as defined in the Education Act 1996) may also request access to their child's personal data.
- School staff have a right of access to personal data on themselves.
- Anyone has the right to question and correct inaccurate data, but this must be matters of fact, not opinions.
- Personal data should always be kept securely and protected by passwords if it is electronic, and processing of the data should only be by those authorised to do so – maintaining privacy is the school's responsibility.
- The law also provides that personal data should not be kept longer than is required.
- Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.
- The Headteacher is the named person with overall responsibility for personal data within Streatley CE Primary School.

#### 4.0 The data controller

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

#### 5.0 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.

- **Governing board**

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

- **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.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Our DPO is Mr. Gerard Strong, School Improvement Adviser (IT) and is contactable via West Berkshire Council Education Service, West Street House, West Street, Newbury, RG14 1BD. Tel: 01635 503430/Tel: 07500 785950 e-mail: [Gerard.Strong1@westberks.gov.uk](mailto:Gerard.Strong1@westberks.gov.uk)

- **Headteacher**

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

- **All staff**

Staff are responsible for:

1. Collecting, storing and processing any personal data in accordance with this policy
2. Informing the school of any changes to their personal data, such as a change of address
3. 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.

### **6.0 Fair processing of personal data: data which may be shared**

Schools, local education authorities (LEA) and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection and related Acts. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. The school has a Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is published on the school website.

Staff data is obtained to enable contracts to be drawn to enable employees to be paid and to be part of the pension scheme should they wish. The school has a Privacy Notice for staff which explains how personal data is used and with whom it will be shared. This Notice has been emailed to all staff and will be mentioned during the induction process for new starters. A copy of the Privacy Notice will be published on the notice board in the staff room.

### **7.0 Processing, storing, archiving and deleting personal data:**

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools.
- School records for a child are passed onto the next educational establishment, whether that be an in-year change to Primary or Secondary education.
- Data on staff is sensitive information and confidential to the individual. It is only shared, where appropriate, at the discretion of the Headteacher and with the knowledge, and if possible the agreement of the staff member concerned. This includes data on school-provided e-mail system.
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be retained as set out by the LEA.
- Interview records, CVs and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Headteacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.
- All members of staff should only access school-provided systems (including e-mail) up to the last day of employment. All unstructured data will be deleted within 30 days upon the account is disabled.

### **8.0 Accessing personal data:**

- A child can request access to his/her own data. The request is not charged and does not have to be in writing. The staff will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also

wish to consider whether the request has been made under coercion. All decisions should be documented.

- A parent can request access to or a copy of their child's school records and other information held about their child. The request must be made in writing (see section 10 below). There is no charge for such requests on behalf of the child, but there may be an agreed charge for photocopying existing non-digital records. Staff should check, if a request for information is made by a parent, that no other legal obstruction (for example, a court order limiting an individual's exercise of parental responsibility) is in force.
- Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.
- Separately from the Data Protection Act, The Education (Pupil Information) (England) Regulations 2005 provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. Parents who wish to exercise this right must apply to the school in writing.
- For educational records (unlike other personal data; see below) access must be provided within 15 school days, and if copies are requested, these must be supplied within 15 school days of payment of the cost of copying.
- A member of staff can request access to their own records at no charge, but the request must be made in writing. The member of staff has the right to see their own records, and to ask for copies of the records. There is no charge for copies of records.
- GDPR requires that all requests for personal information are dealt with within 1 month of receipt except requests for educational records (see above) or with agreement with the Data Subject. All requests will be acknowledged in writing on receipt, and access to records will be arranged as soon as possible. If awaiting third party consents, the school will arrange access to those documents already available, and notify the individual that other documents may be made available later.
- In all cases, should third party information (information about another individual) be included in the information the staff will try to obtain permission from the third party to show this information to the applicant. If third party permission is not obtained the person with overall responsibility should consider whether the information can still be released.
- Personal data should always be of direct relevance to the person requesting the data. A document discussing more general concerns may not be defined as personal data.
- Under the Freedom of Information Act, a request for personal information can include unstructured as well as structured records – for example, letters, emails etc. not kept within an individual's personal files, or filed by their name, but still directly relevant to them. If these would form part of a wider record it is advisable to file these within structured records as a matter of course and to avoid excessive administrative work in the future.
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or

changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

- The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

## **9.0 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 or pupils 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:
  1. Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law.
  2. 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.
  3. 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.

## **10.0 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 (see Appendix 1). 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 or emailed to the DPO.

If staff receive a subject access request they must immediately forward it to the DPO.

- structured records as a matter of course and to avoid excessive administrative work in the future.
- Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process.

### **10.2 Responding to subject access requests**

The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

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.

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.

### **10.3 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above) 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.

### **11.0 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. 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 and local newspapers.
- 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.

### **12.0 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.

Data will be stored, kept and destroyed using guidance from the IRMS 2019 toolkit for schools.

### **13.0 Personal data breaches**

The school will make all reasonable endeavors to ensure that there are no personal data breaches. A Data Breach Log will be kept in the school office electronically listing any breaches and actions taken.

In the unlikely event of a suspected data breach, staff or the data processor will:

Notify the DPO immediately.

The DPO will:

- Investigate the report, and determine whether a breach has occurred.
- Make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary.
- 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 the data subjects' rights and freedom, and cause them any physical, material or non-material damage (e.g. emotional distress)
- When appropriate, the DPO will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:
  1. A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
  2. Safeguarding information being made available to an unauthorised person
  3. The theft of a school laptop containing non-encrypted personal data about pupils

## Appendix 1



## Subject Access Request Form

The Coombe,  
Streatley,  
Reading, RG8 9QL  
Tel: 01491 872399  
Office@sps.w-berks.sch.uk

Dear Mr Gerard Strong,

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Date of Request:	
Name:	
Correspondence address:	

Phone Number:	
Email Address:	
Delete as necessary:	
<b>Governor      Employee      Parent      Pupil      Volunteer      Other (please specify)</b>	
Details of information requested: <i>Please be as precise as possible to help us find the information you require, for example:          Your personnel file, your child's medical records, your child's behaviour record (including class &amp; teacher details), Emails between 'A' and 'B' between [date]:</i>	

The school or the DPO will be in touch if they require any further information from you.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**School use only:**

Date School Received Request:	
Date Headteacher seen:	
Date DPO contacted:	

Details of actions applied: