

# Bitterne C of E Primary School



# Policy for Data Protection

Headteacher  
Andy Peterson

Last review – N/A

Next review – May 2019

## Signed by Chair of Governors

### PURPOSE

This policy covers the use of personal information about past and prospective staff, pupils, parents and other individuals who come into contact with the school. All staff and governors involved with the collection, use, processing or disclosure of personal data will be aware of their duties and responsibilities and will adhere to this policy.

The EU's General Data Protection Regulation (the "**GDPR**"), as well as the Data Protection Act 2018, lay down rules to protect personal privacy and uphold individuals' rights. The Data Protection Rules apply to anyone who "processes" (e.g. handles or has access to) individuals' personal data.

This policy sets out how the school deals with personal information correctly and securely and in accordance with the GDPR, and other related legislation.

### SCOPE

This Policy applies to all individuals working in the school. For the purposes of this Policy, the term "**staff**" means all employees within the school, including permanent, fixed-term and temporary staff; as well as governors, third party representatives, agency workers and volunteers.

This policy applies to all personal information however it is collected, used, recorded and stored by the school, and whether it is held on paper or electronically.

The school is registered as Data Controller, with the Information Commissioner's Office (ICO), and its registration number is **ZA167877**. Further details are available on the ICO website: <https://ico.org.uk/esdwebpages/search>

### DATA PROTECTION PRINCIPLES

The GDPR provides six data protection principles as well as a number of additional duties, which the school will follow to ensure good data handling:

- 1) **Lawfulness, fairness and transparency:** Personal data shall be processed fairly, lawfully and in a transparent manner;
- 2) **Purpose limitation:** Personal data shall be obtained only for one or more specified, explicit and legitimate purposes and not further processed in a way that is incompatible with those purposes (unless it is for archiving purposes in the public interest, statistical purposes or scientific or historical research purposes);
- 3) **Data minimisation:** Personal data shall be adequate, relevant and limited to what is necessary for its processing purposes;

- 4) **Accuracy:** Personal data shall be accurate and where necessary kept up to date, and every reasonable step must be taken to ensure that data which is inaccurate is erased or rectified without delay;
- 5) **Storage limitation:** Personal data shall not be kept in a form which allows the identification of individuals for longer than is necessary for the purpose for which it is processed (unless it is solely for archiving purposes in the public interest, statistical purposes or scientific or historical research purposes and appropriate security measures have been implemented);  
**Integrity and confidentiality:** Personal data shall be processed in a manner that ensures its security, using appropriate technical and organisational security measures, in order to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage;

## **RESPONSIBILITIES**

The Data Protection Rules require certain organisations to appoint a Data Protection Officer ("**DPO**") giving them prescribed responsibilities. The Data Protection Officer for the school is Chris Pyle – Business Manager, St. Monica Primary School. The DPO will have overall responsibility for the school's compliance with the Data Protection Rules. The DPO's responsibilities will include, but are not limited to, the following tasks:

- Keeping up to date with any changes to the way the school processes data;
- Taking steps to promote individuals' awareness of why the school need their personal information, how the school will use it and with whom the school may share it;
- Setting out clear procedures for responding to requests for access to personal information, known as subject access requests;
- Arranging appropriate data protection training for school staff so they are aware of their responsibilities;
- Ensuring that staff are aware of this Policy and are following it; and
- Ensuring that new software or new services for the school are compliant, and that data protection impact assessments are carried out where necessary.

The school will ensure that the DPO is provided with resources and support to fulfil all of their responsibilities. Individuals may contact the DPO regarding any issues relating to the processing of their data by the school. Contact details for the DPO can be found at the end of this Policy, in the Contact Information section.

The school can delegate the day-to-day responsibility for ensuring compliance with the Data Protection Rules and this Policy and appoint a Data Compliance Officer ("**DCO**"). Although the DPO will have overall responsibility for the compliance of the school with the Data Protection Rules and this Policy, the DCO will be responsible within their school for the following tasks:

The Data Compliance Officer ("**DCO**") for the school is Clare Horan.

- Ensuring that individuals are made aware of the Privacy Notice (see appendices) as and when any information is collected;
- Checking the quality and accuracy of the information held by the school;
- Applying the Southampton City Council's records retention schedule to ensure that information is not held longer than necessary by the school; Please follow this link to view the retention schedules; <http://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx#retention>
- Ensuring that when information is authorised for disposal, it is done so appropriately;
- Ensuring that appropriate security measures are in place to safeguard personal information, whether it is held in paper files or electronically;
- Ensure staff are aware of the Data Breach Procedure and how to report a data breach;
- Only sharing personal information when it is necessary, legally appropriate to do so and in accordance with the Privacy Notice; and
- Ensuring that staff in the school are aware of this Policy and are following it.

The school will renew its registration with the Information Commissioner's Office (ICO) if and when necessary and pay any fees due to the ICO.

### **STAFF RESPONSIBILITIES**

All staff are responsible for ensuring that:

- Any personal data that they hold is kept securely;
- Personal information is not disclosed orally, in writing, via web pages or by any other means, accidentally or otherwise, to any unauthorised third party;
- Information or data about pupils is only shared with other staff as necessary and only by secure methods. Staff should note that unauthorised disclosure will usually be a disciplinary matter and may be considered gross misconduct in some cases; and
- Any additional associated policies are complied with (see section 1).

### **PRIVACY NOTICES**

When any information is collected about individuals, they must be made aware of the Privacy Notices (see Appendix 1 and 2). The Privacy Notice provides information about what, why and how information is processed. You should make yourselves aware of the Privacy Notice, which should be read in line with this Policy.

### **Processing, Disclosure and Sharing of Information**

The school processes personal data for a number of different purposes including:

Lawful Ground for Processing	Examples
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Where we have your consent

Posting photographs of a pupil on the school's or the school's website.

Providing pupil information for the administration of a school trip.

Where it is necessary for the performance of a contract to which an individual is party	Providing information to a school photographer about photos required for a pupil. Providing employment services (such as payroll and references).
Where it is necessary for compliance with a legal obligation	Passing on pupil information to the Department for Education Passing on pupil information to the Local Authority Use of personal information to consider staff suitability to work in school. To ensure that staff have the Right to work in the UK.
Where it is necessary to protect the vital interests of an individual	Passing on information about a pupil's serious health condition to the NHS or a health professional where there is a risk of death or serious injury to that pupil or another individual.
Where it is necessary for performance of a task in the public interest	Updating and maintaining a pupil's educational record as the pupil develops and progresses Carrying out safeguarding activities

The school, may also share data that they hold with members of staff, relevant parents/guardians, other schools, Local Authorities, the Department for Education, Ofsted, statutory bodies and other authorities where it is necessary to do so or where we are permitted to do so e.g. for the prevention of crime, to health professionals and examination bodies or any other body that the school deems appropriate. Any sharing of data must be in accordance with the Data Protection Rules, this Policy and the Privacy Notice.

If the school receives any enquiries from third parties, particularly by telephone, it is important to be careful about what data is disclosed. The following steps should be followed:

- Ensure the identity of the person making the enquiry is verified and check whether they are entitled to receive the information they have requested;
- Require the third party to put their request in writing in order to verify their identity and their entitlement to the data requested;
- If in doubt, refer the request to the DCO;

- When providing information to a third party, do so only in accordance with the Data Protection Rules, the Privacy Notice and this Policy; and
- Consider if a parent or guardian should have access to a pupil's information or whether the pupil is old enough to make any requests themselves.

## **IMAGES**

- **Websites** – Where personal information, including images, is placed on the school's website, consent will be sought from the individual as appropriate.
- **Photographs** – Permission will be sought from the individual by the school before photographs of the individual are used or displayed, including in the school prospectus, newsletter or any other such publication where they can be clearly identified individually.

## **Requests for Access to Information**

Any person, whose personal information is held by the school, has a right to ask for access to this information. These requests will be free-of-charge in almost all circumstances on and after 25 May 2018. Requests must be made in writing to the school's DCO or the school's DPO. A response to any such request must be dealt with within one month from the date on which the request was received. The DCO must ensure that the Headteacher is made aware of any such request.

Unlike the separate right of access to a pupil's progress and attainment record, the right to make a subject access request is the pupil's right. Parents/guardians are only entitled to access information about their child (by making a request) if the child is unable to act on their own behalf e.g. because the child is not mature enough to understand their rights or if the child has given their consent. If you are unsure about whether or not to provide information about a pupil to a parent or guardian, please speak to your DCO or the Trust's DPO before providing any information.

Requests that fall under the Freedom of Information Act 2000 will be dealt with in accordance with Southampton City Council's FOIA policy and procedures.

More information and detailed guidance can be found by visiting [www.ico.gov.uk](http://www.ico.gov.uk).

**Individuals also have other legal rights under the Data Protection Rules, including to object to and prevent processing in certain circumstances and to have inaccurate personal data corrected or deleted. More information on these rights can be found in the Privacy Notice under "Requesting access to personal data".**

## **Complaints and Breach Notification**

Complaints should be made following and will be dealt with in accordance with the school's complaint policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner (ICO). [www.ico.gov.uk](http://www.ico.gov.uk)

Information about how the school, will deal with data breaches, including who to contact if they believe there may have been a data breach, can be found in the school's Data Breach Procedure (Appendix 3). The Data Protection Rules contain requirements about handling of breaches, which the school must comply with, so staff must ensure that they report any breaches in accordance with the Data Breach Procedure.

### **Contact Information**

Your first point of contact should be the DCO for your school, Clare Horan – Email Address: [info@bitterneceprimary.net](mailto:info@bitterneceprimary.net) Their information should be available in the School Office. If the DCO is unavailable, you should contact the school's DPO.

The Data Protection Registration Number for Bitterne CE Primary School is ZA167877. A copy of the registration can be found at <https://ico.org.uk/ESDWebPages/Entry/ZA167877>

The school's DPO is Chris Pyle, who can be contacted by email at [chris.pyle@stmonicaprimery.co.uk](mailto:chris.pyle@stmonicaprimery.co.uk) by telephone on 023 80399870 or at the following address: St. Monica Primary School, Bay Road, Sholing, Southampton SO19 8EZ

#### **1. Associated Policies**

- Complaints Procedure
- Acceptable Use of IT Policy