

General Data Protection Regulations (GDPR) Policy



Signed _____

Position _____

Date _____

Contents

1. Aims.....	3
2. Legislation and guidance	3
3. Definitions	3
4. The data controller	4
5. GDPR principles	4
6. Roles and responsibilities	5
7. Privacy/fair processing notice.....	5
8. Subject access requests	6
9. Parental requests to see the educational record	7
10. Storage of records	7
11. Disposal of records	7
12. Training.....	7
13. The General Data Protection Regulation.....	8
14. Monitoring arrangements	8

1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) 2018.

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

2. Legislation and guidance

This policy meets the requirements of the General [Data Protection Act \(GDPR\) 2018](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation due to come into force in 2018.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	Data such as: <ul style="list-style-type: none">• Contact details• Racial or ethnic origin• Religious beliefs, or beliefs of a similar nature• Where a person is a member of a trade union• Physical and mental health• Sexual orientation• Whether a person has committed, or is alleged to have committed, an offence• Criminal convictions
Processing	Obtaining, recording or holding data
Data subject	The person whose personal data is held or processed
Data controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed

Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller
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4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Data protection officer contactable at paul.jackson@bms-schools.co.uk

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

5. Data Protection Regulation (GDPR) 2018 principles

The General Data Protection Act 2018 is based on the following data protection principles, or rules for good data handling:

1. Legality, Transparency and Fairness Principle.

a. Legality

- Any kind of personal data must be processed in accordance with GDPR
- Organisations must specify the grounds upon which it is processing personal data

b. Transparency

- Any information that is passed to the data subject by an organisation must be clearly understandable and easily accessible
- Consider language that is used – notices that are intended for children must be in a language that is child friendly
- Information must normally be provided free of charge, unless the request is excessive or repeated. Responses must be made with one month.

c. Fairness

- The fairness principle allows data subjects to be treated fairly by organisations who hold their data
- Data subjects have 8 rights;
 - i. The right to be informed
 - ii. The right of access
 - iii. The right of rectification
 - iv. The right to erasure
 - v. The right to restrict processing
 - vi. The right to data portability
 - vii. The right to object
 - viii. Rights in relation to automated decision making and profiling

2/3 Purpose Limitation and Minimisation Principle.

- Personal data should be collected for specified, explicit and legitimate purposes and not further processed in a manner that incompatible with those purposes
- Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which the data is processed

4. Accuracy Principle

- Data must be accurate and, where necessary, kept up to date, every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay

5. Storage Limitation Principle

- Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed

6. Integrity & Confidentiality Principle

- Data must be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measure

7. Accountability Principle

- The controller shall be responsible for, and be able to take demonstrate compliance with the principles

6. Roles and responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the General Data Protection Regulation (GDPR) 2018.

Day-to-day responsibilities rest with the Head Teacher, or the Deputy Head Teacher in the Head Teacher's absence. The Head Teacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

7. Privacy/fair processing notice

7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care, to assess how the school is performing and for safeguarding purposes. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to ensure safeguarding compliance

The school's privacy notices contain the full information on data collected and can be found on the school's website.

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

7.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- [Follow the guidance in 'Keeping Children Safe in Education'](#)
- Support effective performance management

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

The school's privacy notices contain the full information on data collected and can be found on the school's website

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority and the Department for Education, so that they are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Data Protection Officer.

8. Subject access requests

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing. Requests should include:

- **The pupil's name**
- **A correspondence address**
- **A contact number and email address**
- **Details about the information requested**

The school will not reveal the following information in response to subject access requests:

- **Information that might cause serious harm to the physical or mental health of the pupil or another individual**
- **Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests**

- **Information contained in adoption and parental order records**
- **Certain information given to a court in proceedings concerning the child**

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days.

9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

Parents of pupils at this school do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

10. Storage of records

- **Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use**
- **Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access**
- **Where personal information needs to be taken off site (in paper or electronic form), staff must ensure safe carriage and storage of information in their care. Any breaches/losses must be reported to the Head Teacher immediately**
- **Passwords are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals**
- **Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices**
- **Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment**

11. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

12. Training

Our staff and governors are provided with GDPR information as part of their induction process.

General Data Protection Regulation (GDPR) 2018 will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

13. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We will review working practices when this new legislation takes effect and provide training to members of staff and governors where appropriate.

14. Monitoring arrangements

The Head Teacher is responsible for monitoring and reviewing this policy.

The Data Protection Officer checks that the school complies with this policy by, among other things, reviewing school records in line with the school's retention policy.

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the governing board.