



Building each other up –  
with God as our firm foundation

# Data Protection Policy

Policy Version	Revisions	Date Approved	Signed by Chair of Governors
1.0	Revision of existing policy document 12.7.10 Online Resources		

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## 1 INTRODUCTION

- 1.1 St Paul's CE Primary school collects and uses the personal data of employees, pupils, parents, volunteers (including members of its governance structures) and other individuals. This information is gathered in order to enable the school to deliver teaching and learning, provide education services and discharge other associated functions. In addition, the school uses personal data in order to fulfil its statutory responsibilities as a Public Authority.
- 1.2 All employees, volunteers and service providers of the school are obliged to comply with this Policy when processing Personal Data on our behalf.
- 1.3 Failure by to comply with this policy carries the risk of significant civil and criminal sanctions for the individual and the school and may in some circumstances amount to a criminal offence by the individual. Any failure to comply with this policy may lead to disciplinary action under the school's procedures.
- 1.4 The Information Commissioner's Office, or Police may also take action against individuals who willingly misuse or unlawfully process personal data that they are responsible for.

## 2 ABOUT THIS POLICY

- 2.1 The school is responsible for processing Personal Data about current, past and prospective pupils, parents, employees and other individuals. Personal Data may be recorded on paper, stored electronically, captured in visual media, exchanged verbally, or other in a range of other formats.
- 2.2 The school is registered as a Data Controller with the Information Commissioner's Office. Our registration number is Z8848247. As a Data Controller, St Pauls CE Primary school is the body responsible for determining how it uses personal data.
- 2.3 This Policy and other documents referred to in it set out the basis on which the school will process any Personal Data it collects from individuals, whether those data are provided to us by individuals or obtained from other sources. It sets out the expected data protection standards and the legal conditions that must be satisfied when we obtain, handle, disclose or transfer and store Personal Data.
- 2.4 This Policy does not form part of any employee's contract of employment and may be amended at any time.
- 2.5 The Data Protection Officer is responsible for supporting the school with compliance with the Relevant Data Protection Laws and with this Policy. That post is held by Services4schools Ltd. Any questions about the operation of this Policy or any concerns that the Policy has not been followed, should be referred in the first instance to the Data Protection Officer. The Data Protection Officer can be contacted at [DPO@stpaulscofeprimaryschool.co.uk](mailto:DPO@stpaulscofeprimaryschool.co.uk)

## 3 DEFINITION OF DATA PROTECTION TERMS

- 3.1 In this Policy, the functions of the school are the provision of education and any pastoral, business, administrative, community or similar activities associated with that

- provision. References to the school 'carrying out its functions' or similar are references to these activities.
- 3.2 References to 'we' and 'the school' are references to St Pauls CE Primary school.
- 3.3 **Data Subjects** means identified or identifiable natural (living) persons whose Personal Data is held by the school. These may be pupils, parents/carers, staff, governors, visitors etc. This Policy also refers to Data Subjects as 'individuals.'
- 3.4 **Data Controllers** are the people who, or organisations which, determine the purposes for which any Personal Data are processed, including the means of the processing. The school and its schools are the Data Controllers of all Personal Data used for carrying out its functions.
- 3.5 **School Staff** are, for the purposes of this Policy, those of our employees (at school or school level) whose work involves processing Personal Data. School staff must protect the data they handle in accordance with this Policy and any applicable data security procedures at all times.
- 3.6 **Data Processors** include any person or organisation, who is not a member of school staff, which processes Personal Data on our behalf, including any external suppliers that handle Personal Data on the school's behalf.
- 3.7 **Privacy Notices** are documents explaining to Data Subjects how their data will be used by the school.
- 3.8 **Personal Data** means any information relating to an identified or identifiable natural (living) person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
- 3.9 **Personal Data Breach** means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data the school is responsible for.
- 3.10 **Pseudonymisation** means the processing of Personal Data so that it can no longer be attributed to a specific person without the use of additional information. This additional information (or key) must be kept separately and is subject to measures to ensure that the identity of the data subject remains protected.
- 3.11 **Relevant Data Protection Law** means the Data Protection Act 2018, the UK General Data Protection Regulation (UKGDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426) and all applicable laws and regulations relating to the processing of Personal Data and privacy as amended, re-enacted, replaced or superseded from time to time and where applicable the guidance and codes of practice issued by the United Kingdom's Information Commissioner.
- 3.12 **Special Categories of Personal Data** (formerly known as 'sensitive Personal Data') include information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual life and genetic or biological traits. Special Categories of Personal Data can

only be processed under strict conditions.

#### **4 DATA PROTECTION PRINCIPLES**

4.1 Anyone processing Personal Data for, or on behalf of, the school must comply with the principles of good practice contained in Relevant Data Protection Law. These principles state that Personal Data must be:

- 4.1.1 processed fairly, lawfully and transparently;
- 4.1.2 processed for specified, limited and legitimate purposes and in an appropriate way;
- 4.1.3 adequate, relevant and not excessive for the purposes for which they are processed;
- 4.1.4 accurate and, where necessary, kept up to date;
- 4.1.5 not kept longer than necessary for the intended purpose of processing; and
- 4.1.6 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 measures.

The school will keep a record of all data processing activities and must be able to demonstrate its compliance with these principles and with the wider requirements of Relevant Data Protection Law.

#### **5 FAIR, LAWFUL AND TRANSPARENT PROCESSING**

5.1 For Personal Data to be processed lawfully, they must be processed on the basis of one of the legal grounds set out in Relevant Data Protection Law. These include, but are not limited to:

- 5.1.1 the individual's explicit consent to the processing for one or more specified purposes;
- 5.1.2 that the processing is necessary for the performance of a contract with the individual or for the compliance with a legal obligation to which the school is subject;
- 5.1.3 that the processing is in the public interest;
- 5.1.4 that processing is in the vital interests of a data subject, or
- 5.1.5 that the processing is in the legitimate interest of the school or relevant third parties to which the data are disclosed, so long as this is balanced with the rights and freedoms of the individual.

5.2 Where a change to a process, or introduction of a new process involving the use of large volumes of Data Processing, that is likely to pose a high risk to individuals' rights, the school will carry out an appropriate Data Privacy Impact Assessment (DPIA).

- 5.3 The school publishes Privacy Notices which inform individuals of the purposes that personal data is being processed for
- 5.4 *Special Categories of Personal Data*
- 5.5 When Special Categories of Personal Data are being processed, the individual's explicit consent to processing of those data must be obtained unless the processing:
- 5.5.1 is necessary for the purposes of carrying out the obligations and exercising specific rights of the school or of the individual in the field of employment and social security and social protection law;
  - 5.5.2 is necessary for the assessment of the working capacity of an individual where the individual is an employee or for the provision of health or social care;
  - 5.5.3 relates to Personal Data which are manifestly made public by the individual;
  - 5.5.4 is necessary for reasons of substantial public interest; or
  - 5.5.5 is necessary to protect the vital interests of the individual.
- 5.6 Processing of data relating to Criminal Convictions and Offences can only take place under control of an official authority, such as instructions from the police or an order of the court, or where law states that processing must take place.
- 5.6.1 This is undertaken as part of the pre-employment check process (DBS) for all staff employed by the school, or where it is necessary to perform such a check as required by safeguarding regulation
- 5.7 *Consent of adults and organisations*
- 5.8 Where an individual gives consent to Data Processing, that consent must be freely given, specific, informed and unambiguous and should be either in the form of a statement (whether or not prepared by the school) or a positive action demonstrating consent. Any requests that the school makes for consent must be in clear language.
- 5.9 An individual has the right to withdraw consent at any time and will be informed of this right and how to exercise it when the school requests consent.
- 5.10 *Consent of children and young people*
- 5.11 Parental consent to Data Processing must be obtained for pupils or other children younger than 13 years of age.
- 6 PROCESSING FOR SPECIFIED, LIMITED AND LEGITIMATE PURPOSES**
- 6.1 In the course of carrying out its functions, the school may collect and process the Personal Data set out in its information asset register. This may include data we receive directly from a an individual (for example, by completing forms or by corresponding with us by post, phone, email or otherwise) and data we receive from other sources (including, for example, parents/carers, other schools, the local authority or other public bodies, recruitment agencies or service providers, professional advisers

and others).

- 6.2 The school will only process Personal Data for the specific purposes set out in school Privacy Notices, or for any other purposes specifically permitted by Relevant Data Protection Law. We will explain those purposes to the Data Subject at the time of collection.
- 6.3 CCTV is used by the school to support the prevention and detection of crime, assist in the undertaking of safeguarding duties and to support student behaviour policies.
- 6.4 Operation of the CCTV system must be done in accordance with the school CCTV Policy and Procedure.
- 6.5 Where the use of CCTV includes the recording of images of identifiable individuals, the school will comply with the Data Processing principles within this Policy.
- 6.6 The school will adhere to the ICO's Code of Practice for the use of CCTV. All pupils, staff and visitors to the school site, will be notified that CCTV is in operation via appropriately displayed signage.
- 6.7 The school will ensure that all CCTV footage will be kept for a maximum of 30 calendar days for security purposes before being deleted, unless subject to a criminal or internal investigation.
- 6.8 Any enquiries about CCTV systems across the school should be directed to the School Business Manager in the first instance.

## **7 ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING**

- 7.1 We will only collect Personal Data to the extent that it is required for the specific purpose notified to the individual.
- 7.2 If a member of staff has any doubt as to whether any processing exceeds the purposes for which that data was originally collected, he or she should notify the Data Protection Officer.

## **8 ACCURATE AND UP-TO-DATE DATA**

- 8.1 We will ensure that Personal Data we hold are accurate and kept up to date. We will check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.
- 8.2 Staff in school will be proactive in conducting regularly checks to validate the accuracy of the personal data we hold. This will include checking the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. Where possible, the school will also use the systems available to make personal data accessible to relevant individuals (parents and staff), so data accuracy can be checked directly by data subjects.
- 8.3 It is the responsibility of staff to ensure that Personal Data is accurate and kept up to date. All staff must as a minimum check that any Personal Data that they provide to the school in connection with their employment is accurate and up to date. They must

also inform the school of any changes to their Personal Data that they have provided, e.g. change of address, either at the time of appointment or subsequently.

## **9 TIMELY PROCESSING**

- 9.1 We will not keep Personal Data longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all data which are no longer required. We will be guided by the Information Records Management Society guidance in respect of decision making concerning the retention of Personal Data (Schools Toolkit 2019).
- 9.2 If a member of staff has any doubt as to whether any Personal Data has been or will be kept longer than is necessary for the purpose or purposes for which they were collected, he or she should notify the Data Protection Officer.

## **10 PROCESSING SECURELY AND IN LINE WITH RIGHTS OF DATA SUBJECTS**

- 10.1 We are committed to upholding the rights of individuals to access Personal Data the school holds on them.
- 10.2 We will process all Personal Data in line with individuals' rights, in particular their rights to:
- 10.2.1 be informed, in a manner which is concise, transparent, intelligible and easily accessible and written in clear and plain language, of the purpose, use, recipients and other processing issues relating to data;
  - 10.2.2 receive confirmation as to whether your Personal Data is being processed by us;
  - 10.2.3 access your Personal Data which we are processing only by formal written request. We may charge you for exercising this right if we are allowed to do so by Relevant Data Protection Law. School employees who receive a written request should forward it to the Headteacher and the Data Protection Officer immediately;
  - 10.2.4 have data amended or deleted under certain circumstances where data is inaccurate or to have data completed where data is incomplete by providing a supplementary statement to the school (see also Paragraph 8);
  - 10.2.5 restrict processing of data if one of the following circumstances applies:
    - a) the accuracy of the Personal Data is contested by the Data Subject, for a period enabling the controller to verify the accuracy of the Personal Data;
    - b) the processing is unlawful and the Data Subject opposes the erasure of the Personal Data and requests the restriction of their use instead;
    - c) the controller no longer needs the Personal Data for the purposes of the processing, but they are required by the Data Subject for the establishment, exercise or defence of legal claims;
    - d) the Data Subject has objected to processing pending the verification



- whether the legitimate grounds of the controller override those of the Data Subject.
- 10.2.6 Where processing has been restricted, as above, such Personal Data shall, with the exception of storage, only be processed with the Data Subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest and the Data Subject shall be informed.
- 10.2.7 where processing is restricted under one of the grounds in Paragraph 10.2.5, the data shall only be processed with the individual's consent or in relation to the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the European Union or the United Kingdom;
- 10.2.8 an individual who has obtained restriction of processing under Paragraph 10.2.5 shall be informed by the school before the restriction of processing is lifted;
- 10.2.9 receive data concerning the individual, which he or she has provided to the school and is processed by automated means, in a structured, commonly used and machine-readable format and to transmit those data to another controller without hindrance from the school;
- 10.2.10 object to Data Processing on grounds relating to his or her particular situation unless the school demonstrates compelling legitimate grounds for processing which overrides the interests, rights and freedoms of the individual or for to the establishment, exercise or defence of legal claims; and
- 10.2.11 not to be subject to a decision based solely on automated decision-making and profiling which produces legal effects concerning him or her or similarly significantly affects him or her unless the decision is based on the individual's explicit consent.
- 10.3 It is the responsibility of all staff to ensure that any request by an individual under Paragraph 10.1 is brought to the attention of the Data Protection Officer without undue delay.
- 10.4 The school may refuse a request by an individual wishing to exercise one of the above rights in accordance with Relevant Data Protection Law.
- 10.5 The school shall provide information on action taken on a request under Paragraph 10.1 to the individual within one month of receipt of the request unless the school deems it necessary to extend this period by two further months where the request is complex and informs the individual of such extension with reasons within one month of receipt of the request.
- 10.6 If a request under Paragraph 10.2 is unfounded or excessive, the school may charge a reasonable fee for providing the information or refuse the request.
- 10.7 When receiving telephone enquiries, we will only disclose Personal Data we hold on

our systems if the following conditions are met:

- 10.7.1 We will check the caller's identity to make sure that information is only given to a person who is entitled to it.
- 10.7.2 We will suggest that the caller put his or her request in writing if we are not sure about the caller's identity and where their identity cannot be checked.
- 10.8 Our employees will refer a request to the Headteacher and the Data Protection Officer. Employees should not be bullied into disclosing personal information.

## **11 NOTIFYING DATA SUBJECTS**

- 11.1 If we collect Personal Data directly from individuals, we will at the time of collection inform them about the processing including:
  - 11.1.1 the identity and contact details for the school and its Data Protection Officer;
  - 11.1.2 the purpose or purposes for which we intend to process those Personal Data;
  - 11.1.3 the types of third parties, if any, with which we will share or to which we will disclose those Personal Data; and
  - 11.1.4 the means, if any, by which individuals can limit our use and sharing of their Personal Data.
- 11.2 If we receive Personal Data from a source other than the individual we will, except in certain circumstances, provide the individual with the information in Paragraph 11.1 above at the following times:
  - 11.2.1 within one month of receiving the Personal Data;
  - 11.2.2 if the Personal Data are to be used for communication with the individual, at the time of the first communication to the individual;
  - 11.2.3 if a disclosure to another recipient is envisaged by us, at the time of the disclosure to that recipient.
- 11.3 A notification in the form of a Privacy Notice will be in writing or via a link to our website, unless the individual requests an oral notification.
- 11.4 We will also inform individuals whose Personal Data we process that the school is the Data Controller with regard to those data and who the Data Protection Officer is.

## **12 DATA SECURITY**

- 12.1 We will take appropriate security measures against unlawful or unauthorised processing of Personal Data, and against the accidental loss of, or damage to, Personal Data.
- 12.2 We will put in place procedures and technologies to maintain the security of all Personal Data from the point of collection to the point of destruction. Personal Data

will only be transferred to a Data Processor if he or she agrees to comply with those procedures and policies, or if he or she puts in place adequate measures.

- 12.3 School staff will be issued with details of their obligations in relation to the security of Personal Data.
- 12.4 All school staff must:
- 12.4.1 assist the school in upholding individuals' data protection rights;
  - 12.4.2 only act in accordance with the school's instructions and authorisation;
  - 12.4.3 notify the Data Protection Officer immediately of any Personal Data Breaches, allegations of Personal Data Breaches or suspicions of Personal Data Breaches in accordance with Paragraph 12.5;
  - 12.4.4 comply at all times with the terms of any agreements with the school and with their responsibilities under Relevant Data Protection Law;
  - 12.4.5 satisfy the school, within a reasonable period following request, of their compliance with the provisions of Paragraph 12.4.4.
- 12.5 The school will notify the Information Commissioner's Office of any Personal Data Breaches without undue delay.
- 12.6 We will maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:
- 12.6.1 **Confidentiality:** only people who are authorised to use the data can access them;
  - 12.6.2 **Integrity:** Personal Data should be accurate and suitable for the purpose for which they are processed;
  - 12.6.3 **Availability:** authorised users should be able to access the data if they need it for authorised purposes. Personal Data should therefore be stored on the school's central computer system instead of on individual computers, tablets or other media.
- 12.7 Security procedures include:
- 12.7.1 **IT Equipment:** Staff must ensure that have read the school's ICT Acceptable Use Policy before using school equipment, individual monitors do not show confidential information to passers-by and that they log off from their computers, tablets or other devices when left unattended.
  - 12.7.2 **Building Security and Entry controls:** All visitors are required to sign in using appropriate systems. Any unauthorised person seen on school or school premises should be reported.
  - 12.7.3 **Secure lockable storage:** Rooms, desks and cupboards and filing cabinets should be kept locked when unattended if they hold confidential information of any kind (personal information is always considered confidential.)

- 12.7.4 **Appropriate sharing and verbal disclosure:** When providing personal information verbally, particularly by telephone, it is most important that the individual's identity is verified before any information is disclosed and that conversations occur in a space where information cannot be overheard.
- 12.7.5 **Methods of disposal:** paper documents containing personal information should be shredded when they are no longer needed. This should be done using school shredders or by contracted secure disposal bags/bins. Digital storage devices (including laptops, desktops and tablets) should be handed back to the school to be securely destroyed when they are no longer required in line with the school retention schedule. All staff leavers should make appropriate arrangements for the return or disposal (on agreement) of any personal data obtained during their employment with the school. Failure to return or dispose of personal data when required could result in an offence under Section 170 of the Data Protection Act 2018.
- 12.7.6 **Personal Data on display:** All personal data displayed in school or around the school building will be limited to what is necessary, pseudonymised where appropriate and take account of the consent preferences submitted by parents of pupils. If Personal Data is displayed externally, then written consent should always be sought prior to publication.
- 12.7.7 **Electronic Transport/Transfer of Personal Data:** school staff will use only approved methods to transport or transfer data as detailed in the ICT Acceptable Use Policy e.g. Sharepoint or One Drive (removable storage devices are not permitted including USB keys, portable hard drives, SD cards or other removable media).
- 12.7.8 **Photographs and digital images (including video).** We use photographs and digital images for a variety of purposes across schools in the school, these include, but are not limited to:
- Capturing development and progress in learning
  - school prospectuses and other publications focussed on promoting the schools and the school
  - Video-conferencing of meetings and other events
  - Assemblies and celebration events
  - Sports day and school performances
  - Social Media
  - Trips and residential outings
  - CCTV footage, where it includes personal data
- 12.7.9 Where images of children or staff are used in public areas or made available online via publication on the school website and social media channels, consent will checked or sought before images are published.
- 12.7.10 **Use of Online resources:** Where the school employs the use of mobile apps, cloud-based software or other online resources to aid the delivery of teaching and learning, appropriate checks concerning data protection and ICO Children's Code compliance of suppliers will be undertaken prior to use. The Data Protection Officer should be consulted if the sharing student or

staff data is necessary for the use of such resources (this can include the registration and management of user accounts, or the supply of student data to support progress analysis and impact).

12.7.11 **Video Conferencing:** If videoconferencing technologies are used to support meetings or the delivery of blended/remote learning. The Headteacher should approve this use in the first instance. Staff should first consider any implications for the operation of school safeguarding practices when using video conferencing. Guidance is available for all staff on using video conferencing to support teaching and learning.

12.8 The school shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures designed to implement data-protection principles and to integrate the necessary safeguards into processing activities.

12.9 The school shall implement appropriate technical and organisational measures for ensuring that, by default, only Personal Data which are necessary for each specific purpose of the processing are processed.

### 13 REGISTER OF PROCESSING ACTIVITIES

13.1 The school must maintain an accurate and up-to-date Information Asset Register of processing activities carried out.

13.2 The school must record the following information for each processing activity:

13.2.1 the contact details for the school and its Data Protection Officer;

13.2.2 the purpose or purposes for which the processing activity has occurred;

13.2.3 descriptions of the categories of individuals involved in the processing activity;

13.2.4 descriptions of the categories of Personal Data involved in the processing activity;

13.2.5 descriptions of the categories of recipients of the Personal Data involved in the processing activity;

13.2.6 details of any transfers to third countries, including documentation of the transfer mechanism safeguards in place;

13.2.7 retention schedules;

13.2.8 descriptions of technical and organisational security measures in place relating to the processing activity.

13.3 It is the responsibility of all staff to notify the Data Protection Officer of any changes that affect the use of Personal Data, to ensure that the register of processing activities is accurate and kept up to date.

## 14 BREACHES OF PERSONAL DATA

- 14.1 The school must maintain an accurate and up-to-date register of all Personal Data Breaches.
- 14.2 We will take all reasonable steps to minimise the risk of a personal data breach. However, where a data breach does occur, it is important that staff are open and honest about it so that it can be managed quickly.
- 14.3 On discovering or causing a breach, or potential breach, the staff member must report it immediately to the Headteacher and the school Data Protection Officer using the email address [DPO@stpaulscofeprimaryschool.co.uk](mailto:DPO@stpaulscofeprimaryschool.co.uk)
- 14.4 Breaches that occur at a school will normally be investigated by the DPO and the Headteacher. However, if this would create a conflict of interest, the investigation will be completed by the DPO and a member of the Governing Board. Breaches that occur elsewhere within the organisation, or which are caused by a data processor, will also be investigated by the DPO and the Headteacher.
- 14.5 All breach investigations will:
- 14.5.1 assess the likely risk to individuals as a result;
  - 14.5.2 determine the cause of the issue
  - 14.5.3 recommend any actions that might be taken to mitigate that risk; and
  - 14.5.4 reflect on how to reduce the likelihood that a similar breach will occur in future.
- 14.6 Where an investigation finds risk to rights of individuals is likely, we will report the breach to the ICO. Where feasible, we will do this within 72 hours; otherwise, we will do this without undue delay. Any such reports will be completed by our Data Protection Officer.
- 14.7 In the event that the investigation finds a risk to individuals is high, we will notify those individuals directly and without undue delay.
- 14.8 We will record all personal data breaches, including those that are not reported to the ICO.

## 15 ROLES AND RESPONSIBILITIES

### 15.1 Data Protection Officer

- 15.1.1 The Data Protection Officer is responsible for supporting the school in compliance with Relevant Data Protection Law and with this Policy. The Data Protection Officer reports to the Headteacher and the Governing Board, but fulfils their data protection functions independently.
- 15.1.2 The Data Protection Officer for St Pauls CE Primary School is provided by Services4schools Ltd and can be contacted at [DPO@stpaulscofeprimaryschools.co.uk](mailto:DPO@stpaulscofeprimaryschools.co.uk) or by writing to St Paul's CE

Primary School, Emsworth Crescent, Pendeford, Wolverhampton, WV9 5NR. Please address letters: **For the attention of the Data Protection Officer.**

15.1.3 Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the Data Protection Officer.

15.1.4 Where a Personal Data Breach has occurred, it will be for the Data Protection Officer to decide whether, under the circumstances and in accordance with Relevant Data Protection Law, the individual concerned must be informed of the breach.

15.1.5 The Data Protection Officer is also responsible for;

- supporting with Data Protection Impact Assessments;
- acting as a contact point for data subjects and the supervisory authority; and
- advising and supporting the schools to meet their data protection obligations
- reporting on their activities, including any advice and recommendations about any data protection issues, directly to the Governing Board.
- investigating personal data breaches
- responding to information requests

## 15.2 **The Board of Governors**

15.2.1 The Board of Governors are responsible for:

- Monitoring and scrutinising data protection compliance for the school
- Informing the Data Protection Officer of strategic decisions or significant changes relating to personal data which require an assessment of risk
- Supporting in matters of complaint or investigation relating to data protection compliance as required

## 15.3 **Headteacher**

15.3.1 The Headteachers is responsible for:

- providing day-to-day leadership on data protection issues within school;
- ensuring their all staff fulfil their duties around data protection; and
- ensuring all their staff complete any training arranged by the school
- Liaising with the Data Protection Officer in relation to breaches, compliance issues and information rights requests as required

## 15.4 **School Business Manager**

15.4.1 The School Business Manager is responsible for:

- Liaising with the DPO in the co-ordination of compliance activities;
- Distributing procedures and associated documentation required to operationalise this policy;
- ensuring a consistent approach to data protection across the school;

- arranging appropriate training and guidance to support staff in meeting their duties under data protection law;
- support in the DPO in investigating breaches of personal data
- support in the DPO in responding to information requests

## 15.5 All Staff

15.5.1 All staff are responsible for:

- processing personal data in accordance with this policy, any associated guidance and any supplementary procedures issued by the School Business Manager;
- informing the school about any relevant changes to their own personal data, such as a change of address (for example);
- fully participating in all data protection training arranged for them, including familiarising themselves with any updated guidance that is issued by the School Business Manager;
- cooperating with any reasonable request for involvement in compliance monitoring;
- reporting any personal data breach as soon as they become aware of it, in accordance with section 14 of this policy; and
- notifying the Headteacher or DPO if they:
  - have any questions about the operation of this policy or data protection law;
  - have any concerns that this policy is not being followed;
  - are unsure whether they can use personal data in a particular way; or
  - receive a request from an individual to exercise their rights, in accordance with section 19 of this policy.

## 16 USING DATA PROCESSORS

16.1 The school retains the right to engage by written contract any person or organisation, who is not a member of school staff, to process Personal Data on our behalf.

16.2 Data Processors must:

- 16.2.1 assist the school in upholding individuals' data protection rights;
- 16.2.2 only act in accordance with the school's instructions and authorisation;
- 16.2.3 maintain a written record of processing activities carried out on behalf of the school and provide this to the school within [a reasonable period] following request;
- 16.2.4 notify the school of Personal Data Breaches without undue delay and maintain a register of breaches in accordance with Paragraph 14;
- 16.2.5 comply at all times with the terms of any agreements with the school and with their responsibilities under Relevant Data Protection Law;
- 16.2.6 satisfy the school, within a reasonable period following request, of their compliance with the provisions of Paragraph 12.4.4.



## 17 TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE UK

17.1 Individuals have particular rights with regard to transfers of their Personal Data outside the UK. Circumstances in which the school may need to transfer data outside the UK might include use of software, or IT services hosted overseas, arrangement and administration of school trips and cultural exchange projects.

17.2 Subject to the requirements in Paragraph 16.2 above, Personal Data we hold may also be processed by staff operating outside the UK who work for us or for one of our suppliers. Those staff may be engaged, among other things, in the processing of payment details and the provision of support services.

17.3 We may transfer any Personal Data we hold to a country outside the UK provided that:

17.3.1 the transfer to the country or countries in question is permitted by Relevant Data Protection Law; and

17.3.2 any transfer to a country or countries outside the UK is subject the escalation procedure under Paragraph 17.4.

17.4 Before a transfer of Personal Data is made outside the UK, the following safeguards must be provided to ensure that the rights of Data Subjects and effective legal remedies for Data Subjects are available:

17.4.1 confirmation by implementing act by the European Commission of the adequacy of the level of protection afforded by the relevant third country;

17.4.2 standard contractual clauses (SCCs) in accordance with Relevant Data Protection Law must be included in relevant documentation;

17.4.3 ensuring explicit consent is given by the Data Subject to the proposed transfer after having been informed of the possible risks of such transfer;

17.4.4 confirmation that the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject;

17.4.5 confirmation that the transfer is necessary for important reasons of public interest;

17.4.6 the Data Protection Officer must authorise the transfer.

## 18 DISCLOSURE AND SHARING OF PERSONAL INFORMATION

18.1 We may share the Personal Data we hold in relation to pupils and their families with relevant staff within school.

18.2 We may also disclose Personal Data we hold to third parties:

18.2.1 if we are under a duty to disclose or share an individual's Personal Data in order to comply with any legal obligation;

18.2.2 in order to enforce or apply any contract with the individual or other agreements; or

18.2.3 to protect our rights, property, or safety of our employees, customers, or others. This includes exchanging information with other companies and organisations for the purposes of child welfare and fraud protection.

18.3 We may also share Personal Data we hold with selected third parties for the purposes set out in our Privacy Notices

18.4 Where an employee of the school receives a request to share records containing personal data and this is not already covered by a published school Policy or procedure, the permission to share should be approved by the Headteacher or the Data Protection Officer, prior to disclosure.

## **19 INFORMATION REQUESTS**

19.1 Requests for information may take the following forms:

19.1.1 Requests for education records.

19.1.2 Freedom of information requests.

19.1.3 Subject access requests.

19.2 Where a person with parental responsibility requests information about a child's educational records, then these should be handled by the school admin team and advice should be sought from the Data Protection Officer.

19.3 If a person makes a request for information under the Freedom of Information Act, then the information should usually be provided unless there are some specific concerns about disclosing the information. Common concerns in the school context may be that information relates to other people, is confidential or legally privileged. If a Freedom of Information request is made and there are any concerns about disclosing information, then the Data Protection Officer should be contacted.

19.4 If a person makes a subject access request, then they are requesting the personal information that the school has about them. There are exemptions to disclosing some information, but these are more limited as a person has a right to know what information is held on them. If a subject access request is made, then the Data Protection Officer should be contacted immediately.

## **20 CHANGES TO THIS POLICY**

We reserve the right to change this Policy at any time. This policy will be published on the school and school website

## **21 LAST UPDATE**

This policy was last updated in October 2023.