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# STATUTORY (A,B) POLICY

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## Data Protection Policy



Policy Revision Date	10 <sup>th</sup> September 2020
Review Frequency	2-yearly
Role / Author	SBM / Deborah Guy
Governing Body Committee/HT	Resources
Date of GB Meeting/HT review for approval	21 <sup>st</sup> September 2020
Due with Clerk to Governors (where applicable)	7 days prior to GB meeting
Governing Body/HT Approval Date	21 <sup>st</sup> September 2020
Status (draft / approved)	Approved
Date Policy Due for next review:	July 2022

Note:

*Please ensure tracked changes are used to highlight changes from the last approved version. The document status should be 'Draft'.*

*Once the changes have been approved by the Governing Body, the tracked changes can be accepted and the document status changed to 'Approved'.*

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**Policy Review**

The following list must be completed prior to submission to the relevant Governing Body meeting/HT for approval.

Links with other Policies	Privacy Notice
Model or Locally Produced	Model policy created by Hampshire Legal Services
Are changes to model policy or previous policy clearly identified (e.g. track changes)	Yes
In the view of the HT is the policy related to High, Medium or Low Risk activity to the school	Low Risk if we remain compliant. Medium Risk if policy not followed.
What are the likely consequences to school of non-compliance	Fine by ICO and reputational risk
Are the governors/SLT accountabilities clearly identified	No
Are other accountabilities clearly identified	Data Protection Officer
Are there any particular issues/risks associated with implementation/operation of policy	No
How will policy effectiveness be evaluated	n/a
How will HT report to governors on effectiveness and when	Data Protection Audit – recommended by Legal Services
When will the policy next be due for renewal (for statutory compliance)	July 2022
Does the policy impact on available resources	No



## Data Protection Policy

The school collects and uses personal information (referred to in the General Data Protection Regulation (GDPR) as personal data) about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school may be required by law to collect, use and share certain information.

The school is the Data Controller, of the personal data that it collects and receives for these purposes.

The school has a Data Protection Officer, Miss Deborah Guy, who may be contacted at 02392 583754 or [d.guy@elson-jun.hants.sch.uk](mailto:d.guy@elson-jun.hants.sch.uk)

The school issues Privacy Notices (also known as a Fair Processing Notices) to all pupils/parents and staff. These summarise the personal information held about pupils and staff, the purpose for which it is held and who it may be shared with. It also provides information about an individual's rights in respect of their personal data.

### Purpose

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

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.

### What is Personal Information/ data?

Personal information or data means any information relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or indirectly by reference to details such as a name, an identification number, location data, an online identifier or by their physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

### Data Protection Principles

The GDPR establishes six principles as well as a number of additional duties that must be complied with at all times:

1. Personal data shall be processed lawfully, fairly and in a transparent manner. In order for personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the GDPR. These include (amongst other relevant conditions) where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority exercised by the school.

Where the special categories of personal data are processed, this shall include (amongst other relevant conditions) where processing is necessary for reasons of substantial public interest.

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When processing any special category data in the course of school business, the school will ensure that these requirements are met where relevant.

2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (subject to exceptions for specific archiving purposes). The school will only process personal data for specific purposes and will notify those purposes to the data subject when it first collects the personal data or as soon as possible thereafter.

3. Personal data shall be adequate, relevant and limited to what is necessary to the purposes for which they are processed and not excessive. Personal data which is not necessary for the purpose for which it is obtained will not be collected.

4. Personal data shall be accurate and where necessary, kept up to date; Personal data should be reviewed and updated as necessary and should not be retained unless it is reasonable to assume that it is accurate. Individuals should notify the school of any changes in circumstances to enable records to be updated accordingly. The school will be responsible for ensuring that updating or records takes place where appropriate.

5. Personal data shall be kept in a form that permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. The school will not keep personal data for longer than is necessary for the purpose or purposes for which they were collected and will take reasonable steps to destroy or erase from its systems all data which is no longer required.

6. Personal data shall be processed in a manner that ensures appropriate security of the personal data and which includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

### **Duties**

Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

Data Controllers have a General Duty of accountability for personal data.

### **Commitment**

The school is committed to maintaining the principles and duties in the GDPR at all times. Therefore the school will:

- Inform individuals of the identity and contact details of the data controller.
- Inform individuals of the contact details of the Data Protection Officer
- Inform individuals of the purposes that personal information is being collected and the basis for this.
- Inform individuals when their information is shared, and why and with whom unless the GDPR provides a reason not to do this.
- If the school plans to transfer personal data outside the EEA the school will inform individuals and provide them with details of where they can obtain details of the safeguards for that information.



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- Inform individuals of their data subject rights.
- Inform individuals that the individual may withdraw consent (where relevant) and that if consent is withdrawn that the school will cease processing their data although that will not affect the legality of data processed up until that point.
- Provide details of the length of time an individual's data will be kept
- Should the school decide to use an individual's personal data for a different reason to that for which it was originally collected the school shall inform the individual and where necessary seek consent.
- Check the accuracy of the information it holds and review it at regular intervals.
- Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- Ensure that personal information is not retained longer than it is needed.
- Ensure that when information is destroyed that it is done so appropriately and securely.
- Share personal information with others only when it is legally appropriate to do so.
- Comply with the duty to respond to requests for access to personal information (known as Subject Access Requests).
- Ensure that personal information is not transferred outside the EEA without the appropriate safeguards.
- Ensure that all staff and governors are aware of and understand these policies and procedures.

### Retention and Disposal of Personal Data

The school will dispose of personal data in a way which protects the rights and privacy of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion) as appropriate.

The school maintains a Retention Schedule that is specific and relevant to the specific types of information retained. The schedule outlines the appropriate periods for retention in each case.

### Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at [www.ico.gov.uk](http://www.ico.gov.uk)

### Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every two years. The policy review will be undertaken by the Data Protection Officer, Head teacher, or nominated representative.

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**Contacts**

If you have any enquires in relation to this policy, please contact the Data Protection Officer, Miss Deborah Guy, who will also act as the contact point for any queries.