



St Thomas á Becket CE (Aided) Primary School

At St Thomas à Becket CEVA Primary School with wisdom and inspiration, rooted in our Christian Values, we nurture all to flourish.

Our Core Values are: Friendship, Respect, Truth, Forgiveness and Perseverance

The Data Protection Act 2018 Policy, incorporating the UK General Data Protection Regulation (UKGDPR)

Status	Statutory
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Approved by	FGB
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Data Protection Officer	Mr Jeremy Shatford Dpo@jeremyshatford.co.uk

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1 Status of Policy

- 1.1 The GDPR is retained in UK domestic law now the transition period has ended, but the UK has the independence to keep the framework under review. The 'UK GDPR' sits alongside an amended version of the DPA 2018. The government has published a ['Keeling Schedule' for the UK GDPR](#), which shows the amendments.
- 1.2 If your organisation does not regularly transfer personal data to or from EU countries, you will not experience significant changes in your need for compliance.

2 Introduction

- 2.1 St Thomas à Becket CEVA Primary School collects and uses personal information about staff, pupils, parents, and other individuals who have dealings with the school. This information is gathered to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory responsibilities.
- 2.2 We are required to be registered as Data Controllers, along with the name of our data protection officer (DPO), with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the [ICO's website](#).
- 2.3 Our data protection officer is Jeremy Shatford who may be contacted in writing to St Thomas à Becket CEVA Primary School address clearly labelled "Data Protection", by email to dpo@jeremyshatford.co.uk or telephone 07881297319.

3 Purpose

- 3.1 This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018 (DPA) and incorporates the UK General Data Protection Regulation (UKGDPR) that came into force on the 1st January 2021, Freedom of Information Act 2000 and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.
- 3.2 All staff involved with the collection, processing and disclosure of personal data will be made aware of their duties and responsibilities and adhering to the guidelines set out in this policy.

4 Governance

- 4.1 Our school controls and processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is classified as a **data controller**.
- 4.2 The school is [registered as a data controller with the ICO](#) and will renew this registration annually or as otherwise legally required.
- 4.3 This policy will be kept under review at least annually, amended when required and agreed by governors.

5 What is Personal Data?

- 5.1 Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held. This person is referred to as a "Data Subject".

6 Data Protection Principles

6.1 The Data Protection Act 2018 establishes eight enforceable principles that must be adhered to:

- Personal data shall be processed **fairly** and **lawfully**, and in a **transparent** manner. ('**lawfulness, fairness and transparency**')
- Personal data shall be collected for **specific, explicit, legitimate** and **limited** purposes ('purpose limitation')
- obtained only for one or more specified and lawful purpose.
- Personal data shall be **adequate, relevant** and **limited** to what is necessary ('**data minimisation**')
- Personal data shall be accurate and where necessary, kept up to date; (accuracy)
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 2018.
- Personal data shall be kept secure i.e. protected by an appropriate degree of security.
- 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.

6.2 There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual orientations
- criminal records

6.3 (Name of School) and all staff or others who process or use personal information must ensure that they always follow these principles. This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the Academy. Any failures to follow the policy can therefore result in disciplinary proceedings.

7 Rights of Individuals

7.1 Articles 12 to 23 of the UKGDPR details the rights of data subjects which seek to protect their fundamental rights and freedoms.

7.2 Our data subjects must be allowed to exercise their rights where they apply which are:

- **Right to be informed.** The right to know how personal data is used in clear and transparent language.
- **Right of access.** The right of data subjects to know and have access to the personal data held about them (see **Subject Access Request**).
- **Right to data portability.** The right to receive and transfer data in a common and machine-readable electronic format.
- **Right to be forgotten.** The right of data subjects to have their personal data erased.
- **Right to rectification.** The right to have data corrected where it is inaccurate or incomplete.
- **Right to object.** The right to complain and to object to processing.
- **Right to restriction of processing.** The right to limit the extent of the processing of the data subject's personal data according to their wishes.
- **Rights related to automated decision-making and profiling.** You have the right not to be subject to decisions without human involvement.

7.3 There is stronger legal protection for more sensitive information, such as:

- ethnic background
- political opinions
- religious beliefs
- health
- sexual orientations
- criminal records

7.4 St Thomas à Becket CEVA Primary School and all staff or others who process or use personal information must ensure that they always follow these principles. This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the School. Any failures to follow the policy can therefore result in disciplinary proceedings.

8 Responsibilities

8.1 The governing body have overall responsibility for compliance with the DPA and delegates the day to day operation to the headteacher.

8.2 The headteacher is responsible for ensuring compliance with the DPA and this policy.

8.3 All members of staff or contractors who hold or collect personal data are also responsible for their own compliance with the DPA and must ensure that personal information is kept and processed in-line with the DPA.

8.4 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 their personal data that they have provided, e.g. change of address, either at the time of appointment or subsequently.

8.5 Staff should report any unauthorised disclosure, loss of personal data, or other breach of this policy immediately, in order to minimize potential damage to data subjects, or to the reputation of the school. Failure to report a data breach will be treated as disciplinary matter and may be considered gross misconduct in some cases.

8.6 The School will take appropriate organisation and technical measures to ensure that any third parties who process personal data on behalf of the School, do so in a manner that permits the school to uphold its statutory responsibilities in relation to data protection.

8.7 All staff will receive training on processing personal data, through our induction and as part of our staff development programme.

9 Fair Processing/ Sharing Personal Data

- 9.1 St Thomas à Becket CEVA Primary School has a duty to issue a Privacy Notice to all pupils/parents and staff, this summarises the personal data we hold, why it is held and the other parties to whom it may be passed on to.
- 9.2 Parents/Carers will be issued with a copy of our Privacy Notice for pupils at the beginning of each academic year. A copy of this notice will also be available on the school website.
- 9.3 Staff will be issued with a copy of our Privacy Notice for the school workforce on induction and a copy of this notice will also be available in the School server.
- 9.4 If we need to share personal data with third parties, will not do so unless:
- We have received consent to do so, or
 - We are required to do so by law or
 - We have a lawful reason for doing so as outlined in our privacy statement
- 9.5 It is a criminal offence to knowingly or recklessly obtain, or share (disclose) information about an individual without legitimate cause. Relevant, confidential data should only be given to:
- other members of staff on a need to know basis.
 - relevant Parents/Guardians.
 - other authorities if it is necessary in the public interest, e.g. prevention of crime.
 - other bodies, such as the Local Authority and schools to which a pupil may move, where there are legitimate requirements.
- 9.6 The school will not disclose any information from a pupil's record which would be likely to cause serious harm to their physical or mental health or that of anyone else.
- 9.7 Where there is any doubt, or statutory requirements conflict we will seek additional advice before disclosing personal information.
- 9.8 When giving information to an individual, particularly by telephone, it is important that the individual's identity is verified. So, from time to time we need to ask parents/carers additional questions, to which only he/she is likely to know the answers. Information will not be provided to other parties, even if related. For example: in the case of separated parents it is important that information regarding one party is not given to the other party to which he/she is not entitled.
- 9.9 Where we are required to share personal data with other agencies, this will be done through secure transfer mechanisms.
- 9.10 Any person whose details are held by the school is entitled, under the provisions of the DPA, to ask for a copy of all information held about them (or child for which they are responsible). Please see [Appendix A](#) for details on how our School deals with Subject Access Requests.

10 Contractors and Tendered services

- 10.1 The School may point parents to our external contractors where our services are enhanced by doing so. For example: - SchoolComms that enables parents to pay online for various services and School Meals providers (currently Lataca), for the provision of school meals.
- 10.2 It is important to understand the relationship between the school and such suppliers.

In the case of the school meals provider parents have direct contact to enable them to order and pay for their child's meals. The school meals provider is therefore the data controller for this information and the school is not responsible.

Some children are entitled to free school meals. In this instance the school passes relevant information to the school meals provider, so they know which children to invoice the school for. The school is therefore the controller and the school meals provider is the processor. The school remains responsible for the data. Save for, where law requires the processor to retain data.

The use of SchoolComms is a direct agreement between the parent and company so the company is the controller and responsible for all data. The school will where possible provide an alternative for parents who do not wish to enter such agreements. For example, pass a cheque from a parent on to the provider.

11 School Life

11.1 There are many aspects to school life that we are required to do to teach children to a high standard. We do not need to ask for parental consent for many of these but where we do, we will ask you for it.

12 Information Security

12.1 The school is committed to take the necessary precautions to protect the security of personal data it is responsible for.

12.2 Access to the school sites is restricted and the personal data of pupils is not visible via the public areas of school reception.

12.3 The school has taken appropriate security measures to protect personal data stored within school buildings from theft, damage or other unauthorised disclosure.

12.4 Inside the school buildings appropriate measures have been taken to protect the security of pupil's and staff information that is stored in onsite information systems, paper records, cloud-based/online systems and in visual/audio media.

12.5 All staff must ensure that:

- personal data be kept in a locked filing cabinet, drawer, or safe; or
- If it is computerised, be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up; and
- Be saved to the school server, school laptop/desktop or onto One Drive via a school account. Any removable storage is not permitted (this includes USB memory keys, portable hard-drives, SD cards, unencrypted laptops).

12.6 When staff are required to take personal information away from the school site, provisions have been made to support the secure transfer of information and guidance has been issued to staff who may be required to access personal data away from school.

12.7 School IT systems have appropriate security measures in place, with permission and access to personal information controlled based on the role and responsibilities of staff.

- 12.8 All mobile devices (including memory sticks, portable hard-drives and other storage systems) used to manage personal data have been encrypted to an appropriate standard in line with ICO guidance.
- 12.9 Paper records containing sensitive or confidential data are locked in secure storage spaces, with access controlled by the Headteacher and nominated appropriate staff.
- 12.10 All staff are committed to ensure that Personal Data held by school is maintained so that it accurate and of a quality that supports the purpose(s) it has been collected for. Parents/carers are encouraged to support the school in the task of managing personal data for pupils by advising the school office of any changes to personal information in a timely manner.

13 When should personal data be rectified?

- 13.1 St Thomas à Becket CEVA Primary School is committed to ensuring all data we hold is accurate and fit for purpose. We also acknowledge that Individuals are entitled to have personal data rectified if it is inaccurate or incomplete.

14 The right to erasure

- 14.1 The right to erasure does not provide an absolute 'right to be forgotten'. Individuals have a right to have personal data erased and to prevent processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed (i.e. otherwise in breach of the UKGDPR).
- The personal data must be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

15 Data Protection impact assessments

- 15.1 The school will adopt a risk-based approach before undertaking higher-risk data processing activities. The headteacher (Data controller) will be required to conduct privacy impact assessments where privacy breach risks are high to analyse and minimise the risks to their data subjects.

16 Photographs and Digital Images (including video)

- 16.1 We use photographs and digital images for a variety of purposes, these include, but are not limited to:
- Capturing development and progress in learning
 - School prospectuses and other publications focussed on promoting the School
 - Assemblies and celebration events
 - Sports day
 - School performances
 - Trips and residential outings
- 16.2 Where images of children or staff are used in public areas or made available online via publication on the School website the School will always seek consent before images are published.

17 Records of achievement

- 17.1 We encourage children to share their achievements, this may be done during sharing assembly where other parents may be present and through wall displays within the classrooms.

17.2 The information shared in this way may include the child's name, age and mark given for a piece of work. In addition, leader boards may be displayed within classrooms that show achievements of individuals in comparison to others.

17.3 These records are generally not deemed personal information as the information is widely shared within the classroom environment.

18 Publication of School Information

18.1 Certain items of information relating to the School will be made available on the public website, in order to meet the legitimate needs of researchers, visitors and enquirers seeking to contact the school. Where it is not a legal requirement, personal data will not be published without consent from the individual concerned.

18.2 The UKGDPR states that, if consent is your basis for processing the child's personal data, a child under the age of 16 can't give that consent themselves and instead consent is required from a person holding 'parental responsibility'. UK law will apply, and the School will consider the wishes of the child where it can lawfully do so, and where the child demonstrates competency to express those views.

19 Retention and Disposal

19.1 The school operates a Retention Schedule to determine the length of time that documents containing personal data should be kept for. This schedule is in line with the recommended periods of retention published by the Records Management Society.

19.2 The school will also ensure that when obsolete, information is destroyed in a secure and appropriate manner. Records of destruction will be maintained where the disposal of personal data has been commissioned to third parties.

19.3 All paper documents that contain personal data will be shredded once they are no longer required, accurate and up to date or when the retention period has been met.

19.4 Electronic devices containing personal data will be formatted and destroyed by an approved contractor with a certificate of destruction being presented for each disposal.

20 Complaints

20.1 Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

21 Contacts

21.1 If you have any enquires in relation to this policy, please contact the headteacher who will also act as the contact point for any subject access requests.

21.2 Further advice and information is available from the school office or Information Commissioner's Office, <https://ico.org.uk/> or telephone 0303 123 1113

Procedures for responding to subject access requests made under the Data Protection Act 2018

All subject Access requests will be notified to the DPO

22.1 Rights of access to information

22.2 There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 section 7, any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005 (Pupil Information Regulations).

22.3 These procedures relate to subject access requests made under the Data Protection Act 1998 and the UKGDPR.

22.4 Processing a subject access request

1. Requests are requested to be made in writing; and be addressed to the headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks will also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
 - passport
 - driving licence
 - utility bills with the current address
 - Birth / Marriage certificate
 - P45/P60
 - Credit Card or Mortgage statement

(This list is not exhaustive).

22.5 Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand, the nature of the request and legal entitlement to request it.

23 Requests for information about children

- 23.1 Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. So, it is the **child who has a right of access** to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.
- 23.2 Before responding to a subject access request for information held about a child, The School will consider whether the child is mature enough to understand their rights. If we are confident that the child can understand their rights, then we will respond to the child rather than a parent. What matters is that the child can understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, we will consider, among other things:
- the child's level of maturity and their ability to make decisions like this.
 - the nature of the personal data.
 - any court orders relating to parental access or responsibility that may apply.
 - any duty of confidence owed to the child or young person.
 - any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment.
 - any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
 - any views the child or young person has on whether their parents should have access to information about them.
- 23.3 Where the child does not have a legal standing to request information, the headteacher should discuss the request with the child and take their views into account when deciding. Where the child is not deemed to be competent, an individual with parental responsibility or guardian shall make the decision on behalf of the child.
- 23.4 An individual who makes a written request is entitled to be:
- told whether any personal data is being processed.
 - given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people.
 - given a copy of the information comprising the data; and given details of the source of the data (where this is available). Though an administrative charge may be made for the provision of copies of the information.
- 23.5 Subject access requests, once officially received, will be responded to without delay and at the latest within one month of receipt (calendar days, irrespective of school holiday periods). However, any disclosure of personal data will not take place until after receipt of fees if applicable, or clarification of information sought.
- 23.6 The Data Protection Act 2018 allows exemptions as to the provision of some information; therefore, all information will be reviewed prior to disclosure.
- 23.7 Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information, consent will be obtained where this is required.

- 23.8 Sometimes the school can disclose information relating to a third party. We will decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights in respect of their own personal data.
- 23.9 If the other person consents to us disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, we will decide whether to disclose the information anyway.
- 23.10 Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- 23.11 If there are concerns over the disclosure of information, then additional advice will be sought.
- 23.12 Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
- 23.13 Information disclosed will be presented in a clear format, any codes or technical terms will be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it will be retyped.
- 23.14 Information can be provided at the school with a member of staff on hand to help and explain matters if requested or provided at face to face handover. The views of the applicant will be considered when considering the method of delivery. If postal systems must be used, then registered/recorded mail will be used.