The Academies for Character and Excellence

Data Protection Policy

Reference: DPO

Policy date	**New version July 2023**	**Statutory Policy - Yes**
Strategic Board Approval	**July 2023**	
Reviewed and Updated	**First version**	
Next Review Date	**July 2024**	**Annual**
Author	**DPO**	**www.acexcellence.co.uk**

Contents

1 Introduction and purpose

1.1 This policy sets out Trinity CofE Primary and Nursery School's commitment to handling personal data in line with the UK GDPR and the UK Data Protection Act.

1.2 The school is the data controller for the personal data it processes and is registered with the Information Commissioner's Office (ICO) under registration number ZA263073. Details about this registration can be found at www.ico.org.uk

1.3 The purpose of this policy is to explain how the school handles personal data under data protection legislation and is to inform staff and other individuals who process personal data on the school's behalf of the school's expectations.

2 Scope

2.1 This policy applies to the processing of personal data held by the school. This includes personal data held about pupils, parents/carers, staff, temporary staff, governors, visitors, and any other identifiable data subjects.

2.2 This policy should be read alongside the schools' Acceptable Use of IT Policy.

3 Definitions

3.1 There are several terms used in the data protection legislation and in this policy, which must be understood by those who process personal data held by the school. These are:

- Personal data
- Special categories of personal data
- Processing
- Data subject
- Data controller
- Data processor

3.2 These terms are explained in Appendix 1.

4 Roles and responsibilities

4.1 Governing Body

4.1.1 The governing body has overall responsibility for ensuring the school implements this policy and continues to demonstrate compliance with the data protection legislation.

4.1.2 This policy shall be reviewed by the governing body on an annual basis.

4.2 Headteacher

4.2.1 The Headteacher has day-to-day responsibility for ensuring this policy is adopted and adhered to by staff and other individuals processing personal data on the school's behalf.

4.3 Data Protection Officer

4.3.1 The Data Protection Officer (DPO) is responsible for carrying out the tasks set out in Article 39 of the UK GDPR. In summary, the DPO is responsible for:

- Informing and advising the school of their obligations under the data protection legislation.
- Monitoring compliance with data protection policies.
- Raising awareness and delivering training to staff.
- Carrying out audits on the school's processing activities.
- Providing advice regarding Data Protection Impact Assessments and ensuring these are reviewed annually.
- Co-operating with the Information Commissioner's Office.
- Acting as the contact point for data subjects exercising their rights.

4.3.2 The DPO shall report directly to the governing body and Senior Leadership Team and shall provide regular updates on the school's progress and compliance with the data protection legislation.

4.3.3 The Trust's DPO is an external consultant who performs the role under a service contract. The DPO is Annette Henry, who can be contacted at annette.henry@devon.gov.uk

4.3.4 The DPO is supported in their role by a school employee, this person is known as the DPO's Data Protection Link Officer. All enquiries, complaints, requests, and suspected breaches of security, should be referred to the Data Protection Link Officer in the first instance, who will then notify the DPO.

4.4 Staff, temporary staff, contractors, visitors

4.4.1 All staff, temporary staff, contractors, visitors, and other individuals processing personal data on behalf of the school, are responsible for complying with the contents of this policy.

4.4.2 All individuals shall remain subject to the common law duty of confidentiality when their employment or relationship with the school ends. This does not affect an individual's rights in relation to whistleblowing.

4.4.3 Failure to comply with this policy may result in disciplinary action or termination of employment or service contract.

4.4.4 All individuals handling the school's data shall be made aware that unauthorised access, use or sharing of data, may constitute a criminal offence under the Data Protection Act 2018 and/or the Computer Misuse Act 1990.

5 Policy content

5.1 Data Protection Principles

5.1.1 The UK GDPR provides a set of principles which govern how the school handles personal data. In summary, these principles state that personal data must be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Adequate, relevant, and limited to what is necessary for the purpose it was processed.
- Accurate and where necessary kept up to date.
- Kept for no longer than necessary.
- Processed in a manner that ensures appropriate security of the data.

5.1.2 The school and all individuals processing personal data controlled by the school, shall comply with the data protection principles in the following manner:

5.2 Lawfulness, fairness, and transparency

5.2.1 *Lawful processing*

5.2.2 Personal data will only be processed where there is a lawful basis for doing so. This will be where at least one of the following applies:

- The data subject has given consent.
- It is necessary for the performance of a contract or entering into a contract with the data subject.
- It is necessary for compliance with a legal obligation.
- It is necessary to protect the vital interests of a person.
- It is necessary for the performance of a task carried out in the public interest or in the exercise of official duties.

- It is necessary for our legitimate interests as a school (where applicable) or third party, except where such interests are overridden by the data subject.

5.2.3 When special categories of personal data are processed (for example, health or medical data, racial or ethnic origin or biometric data (for example facial images and fingerprints)), this shall only be done where a lawful basis has been identified from the list above, and one from the following list:

- The data subject has given explicit consent.
- The processing is necessary for the purposes of exercising or performing any right or obligation which is imposed on the school in relation to employment, social security and social protection law (eg safeguarding individuals at risk; protection against unlawful acts; prevention against fraud).
- It is necessary to protect the vital interests of any person where the data subject is physically or legally incapable of giving consent.
- The data has been made public by the data subject.
- The processing is necessary for the establishment, exercise, or defence of legal claims.
- The processing is necessary in the substantial public interest.
- The processing is necessary for health or social care.
- The processing is necessary for public health.
- The processing is necessary for archiving, research, or statistical purposes.

5.2.4 *Consent*

5.2.5 Most of the school's processing of personal data will not require consent from data subjects (or their parents/carers as appropriate), as the school needs to process this data in order to carry out its official tasks and public duties as a school.

5.2.6 However, there are circumstances when the school is required to obtain consent to process personal data, for example:

- To collect and use biometric information (such as fingerprints or facial recognition) for identification purposes.
- To send direct marketing or fundraising information by email or text where the data subject would not have a reasonable expectation that their data would be used in this way or have objected to this.
- To take and use photographs, digital or video images and displaying, publishing, or sharing these in a public arena such as:
    - on social media;

- in the school prospectus;
- on the school website;
- in the press/media;
- in the school newsletter

- To share personal data with third parties (for example professionals, agencies, or organisations) where the data subject has a genuine choice as to whether their data will be shared, for example when offering services which the data subject does not have to accept or agree to receive.

5.2.7 When the school relies on consent as its lawful basis, it shall ensure the person providing it has positively opted-in to the proposed activity and is fully informed as to what they are consenting to and any non-obvious consequences of giving or refusing that consent. Consent shall not be assumed as being given if no response has been received eg a consent form has not been returned. Where consent is being obtained for the collection or use of children's information, consent shall be obtained from a parent or guardian until the child reaches the age of 12. Consent shall be obtained directly from children aged 13 years and over, where those children are deemed by the school to have sufficient maturity to make the decision themselves (except where this is not in the best interests of the child. In such cases, consent will be obtained from an adult with parental responsibility for that child).

5.2.8 The school shall ensure that where consent is obtained, there is a record of this. Where possible, consent shall be obtained in writing. All forms requesting consent shall include a statement informing the person of their right to withdraw, and an email address so they may notify the school of any changes or withdrawal of consent.

5.2.9 *Fairness and transparency*

5.2.10 The school shall be fair, open, and transparent in the way it handles personal data, and will publish privacy notices which explain:

- What personal data the school processes and why.
- What our lawful basis is when we process that data.
- Who we might share that data with.
- If we intend to transfer the data abroad.
- How long we keep the data for.
- What rights data subjects have in relation to their data.
- Who our Data Protection Officer is and how to contact them.

5.2.11 The school's privacy notices shall be clear, concise, and easily accessible. It should be published on the school's website. All forms collecting personal data shall include reference to the school's privacy notices and a link provided to their location.

5.2.12 Privacy notices will be provided to parents/carers of pupils when their child is enrolled at the school, which will explain how the school handles pupil information. This notice will be published on the school's website; parents will be directed to this on an annual basis.

5.2.13 Staff will be given a privacy notice explaining how the school handles employee information when they join the school and directed to this annually thereafter.

5.2.14 The school shall provide privacy notices to other categories of data subjects, as appropriate.

5.3 Purpose limitation

5.3.1 The school shall collect personal data for specified (for example, as described in the school's privacy notices), explicit and legitimate purposes and shall not process this data in any way would be considered incompatible with those purposes (for example, using the data for a different and unexpected purpose).

5.4 Data minimisation

5.4.1 The school shall ensure the personal data it processes is adequate, relevant, and limited to what is necessary for the purpose(s) it was collected for.

5.5 Accuracy of data

5.5.1 The school shall take all reasonable efforts to ensure the personal data it holds is accurate and where necessary kept up to date. Where personal data is found to be inaccurate, this information will be corrected or erased without delay.

5.5.2 The school will send frequent reminders, on at least an annual basis, to parents/carers, pupils, and staff, to remind them to notify the school of any changes to their contact details or other information.

5.5.3 The school shall carry out sample checks of pupil and employee files containing personal data, to ensure the data is accurate and up to date. This will be carried out on an annual basis.

5.6 Storage limitation and disposal of data

5.6.1 The school shall keep personal data for no longer than is necessary for the purpose(s) of the processing. The school shall maintain and follow a Record Retention Schedule, which sets out the timeframes for retaining personal data. This schedule shall be published alongside the school's privacy notices on the website.

5.6.2 The school shall designate responsibility for record disposal/deletion to nominated staff, who shall adhere to the school's Record Retention Schedule and ensure the timely and secure disposal of the data.

5.7 Security of personal data

5.7.1 The school shall have appropriate security in place to protect personal data against unauthorised or accidental access, disclosure, loss, destruction, or damage. This will be achieved by implementing appropriate technical and organisational security measures.

5.8 Technical security measures

5.8.1 The school shall implement proportionate security measures to protect its network and equipment and the data they contain. This includes, but is not limited to:

- having a Firewall, anti-virus, and anti-malware software in place
- applying security patches promptly
- restricting access to systems on a 'need to know' basis
- enforcing strong password policies; passwords shall be a minimum of 8 characters in length; changed at appropriate intervals and not shared or used by others
- the use of 2FA (two factor authentication where appropriate for example, on accounts containing sensitive personal data
- encrypting laptops, USB/memory sticks and other portable devices or removable media containing personal data
- regularly backing up data
- regularly testing the school's disaster recovery and business continuity plans, to ensure data can be restored in a timely manner in the event of an incident

5.9 Organisational security measures

5.9.1 The school will ensure the following additional measures are also in place to protect personal data:

- Staff shall sign confidentiality clauses as part of their employment contract
- Data protection awareness training shall be provided to staff during induction and annually thereafter
- Cyber security training, guidance or advice shall be provided to staff on a regular basis
- Policies and guidance shall be in place relating to the handling of personal data whilst during and outside of school. These will be communicated to staff and other individuals as necessary, including policy revisions. A policy declaration shall be signed by staff and retained on their personnel file.
- Data protection compliance shall be a regular agenda item in governing body and Senior Leadership Team meetings.
- Cross cutting shredders and/or confidential waste containers will be available on the school's premises and used to dispose of paperwork containing personal data.

- Appropriate equipment and guidance will be available for staff to use and follow when carrying paperwork off school premises.
- The school's buildings, offices and where appropriate classrooms, shall be locked when not in use.
- Paper documents and files containing personal data shall be locked in cabinets/cupboards when not in use, and access restricted on a need to know basis.
- Procedures shall be in place for visitors coming onto the school's premises. These will include signing in and out at reception, wearing a visitor's badge and being escorted by a school employee (unless the visitor holds a valid Disclosure and Barring Service certificate, or it is otherwise appropriate for the person not to be escorted).
- The school shall have procedures in place to identify, report, record, investigate and manage personal data breaches in the event of a security incident.

5.10 Rights of Data subjects

5.10.1 Data subjects have several rights under data protection legislation. The school shall comply with all written requests from data subjects exercising their rights without delay, and within one month at the latest.

5.10.2 Data subjects have the right to:

- request access to the personal data the school holds about them and receive a copy of this information free of charge (the school reserves the right to charge for photocopying, postage and packaging);
- Be informed about the use, sharing and storage of their data
- Ask for their data to be deleted when it is no longer needed
- Port (transfer) their data to another organisation in certain circumstances
- ask for the information the school holds about them to be rectified if it is inaccurate or incomplete;
- to ask in certain circumstances for the processing of their data to be restricted;
- object to the school processing their information for the 'performance of a task carried out in the public interest', except where the school can demonstrate compelling legitimate grounds;
- object to the school using their information for direct marketing purposes;
- stop the school processing their data if the school relied on consent as the lawful basis for processing, and they have subsequently withdrawn consent;
- complain to the school and the Information Commissioner's Office if they are not satisfied with how their personal data has been processed;

5.11 Handling requests

5.11.1 Data subjects exercising their rights are recommended to put their request in writing and send it to the school at Trinity CofE Primary and Nursery School, Fish Street, Exeter, EX2 7TR. Data subjects can also exercise their rights verbally. In such cases, the school will promptly write to the data subject outlining the verbal discussion/request and will ask the data subject to confirm this is accurate.

5.11.2 Data subjects who request a copy of their personal data (known as making a Subject Access Request) may be asked to provide identification to satisfy the school of their identity, particularly where the data subject is no longer a pupil, employee or governor at the school. These requests shall be responded to within 1 month, upon receipt of receiving a valid request and appropriate identification (where requested).

5.11.3 *Pupil information requests*

5.11.4 Pupils can request access to their own personal data when they have sufficient maturity to understand their rights; know what it means to make such a request and can interpret the information they receive. The Information Commissioner's Office and the Department for Education guidance, suggests that children aged 13 years and above, may have sufficient maturity in these situations, however it is for the school to decide this on a case by case basis.

5.11.5 Parents/carers can make a request for their child's information when their child is 12 years and under or if they have consent from their child to access their information.

5.11.6 When responding to Subject Access Requests or pupil information requests, the school shall redact the information the data subject or parent/carer is not entitled to receive, in accordance with the exemptions set out in the Data Protection Act 2018.

5.11.7 The school shall consult with the Data Protection Officer upon receipt of a Subject Access Request or pupil information request, and again prior to making disclosures in response to these requests.

5.12 Data protection by design and default

5.12.1 The school shall have appropriate technical and organisational measures in place which are designed to implement the data protection principles in an effective manner, and will ensure that by default, it will only process personal data where it is necessary to do so. The school's Data Protection Policy and supplementary policies, procedures and guides, explain how the school aims to achieve this.

5.13 Joint controller agreements

5.13.1 The school shall sign up to agreements with other data controllers where personal data is shared or otherwise processed on a regular basis, where it is necessary to do so.

5.14 Data processors

5.14.1 The school shall carry out checks with prospective data processors (e.g. suppliers providing goods or services which involve the processing of personal data on the school's behalf) to assess they have appropriate technical and organisational measures that are sufficient to implement the requirements of the data protection legislation and to protect the rights of data subjects.

5.14.2 The appropriateness of data processors will be assessed by the school and the Data Protection Officer before the school purchase the service. A record will be kept of their findings.

5.14.3 The school shall ensure there are appropriate written contracts/Terms of Service in place with data processors, which contain the relevant clauses listed in Article 28 of the GDPR.

5.15 Record of processing activities

5.15.1 The school shall maintain a record of its processing activities in line with Article 30 of the GDPR. This inventory shall contain the following information:

- Name and contact details of the school and its Data Protection Officer
- Description of the personal data being processed
- Categories of data subjects
- Purposes of the processing and any recipients of the data
- Information regarding any overseas data transfers and the safeguards around this
- Retention period for holding the data
- General description of the security in place to protect the data

5.15.2 This inventory shall be made available to the Information Commissioner upon request.

5.16 Management of personal data breaches

5.16.1 The school shall have procedures in place to identify, report, record, investigate and manage personal data breaches (i.e. security incidents involving personal data). These include security incidents resulting in the:

- unauthorised or accidental *disclosure* or *access* to personal data
- unauthorised or accidental *alteration* of personal data
- accidental or unauthorised *loss of access* or *destruction* of personal data

5.16.2 All security incidents and suspected personal data breaches must be reported to the Data Protection Officer immediately, via the school's Data Protection Link Officer, by emailing admin.trinity@acexcellence.co.uk or telephone 01392 790151.

5.16.3 All incidents will be recorded in the school's data breach log and investigated by a member of the Senior Leadership Team (or other person as appropriate), under the support and direction of the school's Data Protection Officer.

5.16.4 *Notification to the ICO and Data Subjects*

5.16.5 The Data Protection Officer shall determine whether the school must notify the Information Commissioner's Office and data subjects.

5.16.6 Where a breach is likely to result in a risk to the data subject, for example if they could suffer damage, discrimination, disadvantage or distress as a result of the breach, the school (or the Data Protection Officer) shall notify the Information Commissioner's Office (ICO) *within 72hrs* of becoming aware of the breach.

5.16.7 If the breach is likely to result in 'high risks' to data subjects, for example if the breach could lead to identity theft, psychological distress, humiliation, reputational damage or physical harm, the school shall inform the data subject promptly and without delay.

5.16.8 When informing a data subject of a personal data breach involving their personal data, the school shall provide in clear, plain language the:

- nature of the incident
- name and contact details of the Data Protection Officer
- likely consequences of the breach
- actions taken so far to mitigate possible adverse effects

5.17 Data Protection Impact Assessments

5.17.1 The school shall carry out Data Protection Impact Assessments (DPIAs) on all processing of personal data, where this is likely to result in high risks to the rights and freedoms of data subjects, particularly when using new technologies. This includes, but is not limited to the following activities:

- Installing and using Closed Circuit Television (CCTV)
- Sharing personal data or special category data with other organisations
- Using mobile Apps to collect or store personal data, particularly about children
- Using systems that record large volumes of personal data, particularly where data processors are involved

5.17.2 The results from DPIAs shall be recorded and shared with the Data Protection Officer, who will advise on any privacy risks and mitigations that can be made to reduce the likelihood of these risks materialising. The Data Protection Officer will monitor the outcome of the DPIA, to ensure the mitigations are put in place and that DPIA's are reviewed annually.

5.18 Data sharing

5.18.1 The school shall adhere to statutory and non-statutory guidance around sharing personal data as set out in the Keeping Children Safe in Education (DfE 2022), Data Sharing Code of Practice (ICO 2020) and Information Sharing Advice for Practitioners providing safeguarding services to children, young people, parents and carers (HM Government 2018).

5.18.2 When sharing personal data with third parties the school shall adhere to the following principles:

- Data subject(s) shall be made aware of the sharing through privacy notices or specific communications regarding the sharing
- Identification of an appropriate lawful basis prior to sharing data
- Data shared shall be adequate, relevant and limited to what is necessary
- Accuracy of the data shall be checked prior to the sharing (where possible)
- Expectations regarding data retention shall be communicated
- Data shall be shared by secure means and measures in place to protect the data when received by the third party
- A record shall be kept of the data sharing.

5.18.3 The school recognises that the data protection laws allow organisations to share necessary personal data with third parties to protect the safety or well-being of a child and in urgent or emergency situations to prevent loss of life or serious physical, emotional or mental harm and this is included in the school's data protection training for all staff.

5.19 Appointment of a Data Protection Officer

5.19.1 The school shall appoint a Data Protection Officer to oversee the processing of personal data within the school, in compliance with Articles 37-38 of the GDPR. This person shall be designated based on professional qualities and in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in Article 39 of the GDPR.

5.19.2 The school shall publish the contact details of the Data Protection Officer and communicate these to the Information Commissioner's Office.

6 Policy history

Policy Version and Date	Summary of Change	Amended by	Implementation Date
V1.0	This policy replaces the Trust's existing GDPR Policy.	DPO	13th July 2023

Declaration

I confirm that I have read, understood and shall adhere to Trinity CofE Primary and Nursery School's Data Protection Policy Version 1.0, dated [insert date] and the supporting policies and procedures referred to in this policy.

Name:	
Job title:	
Date:	
Signature:	

Instructions for school admin

This declaration must be kept in an easily retrieval file. In the case of an employee, this should be kept on their personnel file.

Appendix 1

Data Protection Policy Definitions

Term Used	Summary Definition
Personal data	Personal data means any information relating to an identified or identifiable living individual. This includes a name, identification number, location data, an online identifier, information relating to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual.
Special categories of personal data	Special categories of personal data mean personal data which reveal the racial or ethnic origin, political opinions, religious or philosophical beliefs and the trade union membership of the data subject. It also includes the processing of genetic data, biometric data for the purpose of uniquely identifying an individual, data concerning health, and data relating to an individual's sex life or sexual orientation.
Processing	Processing means any operation or set of operations which is performed on personal data, such as the collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Data subject	An identifiable, living individual who is the subject of personal data.
Data controller	A data controller is an organisation who determines the purposes and means of the processing of personal data.
Data processor	A data processor is an organisation who processes personal data on behalf of a data controller, on their instruction.