



# GDPR Policy

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## Policy information:

|                              |                      |
|------------------------------|----------------------|
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| <b>Ratified by:</b>          | S Corry              |
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| <b>Target audience</b>       | Parents and teachers |

**All staff and volunteers working in our school share a responsibility for promoting and safeguarding the welfare of the children with whom they come into contact with.**

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## 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the General Data Protection Regulation ('GDPR'). This policy applies to all data, regardless of whether it in paper or electronic format. Personal data is any information that could be used to identify a living individual.

## 2. Legislation and guidance

This policy meets the requirements of the General Data Protection Regulation which came into force on 25 May 2018. This legislation applies to all schools and will apply even after the UK leaves the EU.

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

## 3. Definitions

| Term                    | Definition   |
|-------------------------|--|
| Personal Data           | Data from which a person can be identified, including data that, when combined with other readily available information leads to a person being identified |
| Sensitive personal data | <ul style="list-style-type: none"> <li>• Data such as:</li> <li>• Racial or ethnic origin</li> <li>• Political opinions</li> </ul>                         |

|                 |  |
|-----------------|--|
|                 | <ul style="list-style-type: none"> <li>• Religious beliefs, or beliefs of a similar nature</li> <li>• Where a person is a member of a trade union</li> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed or is alleged to have committed, an offence</li> <li>• Criminal convictions</li> </ul> |
| Processing      | Obtaining, recording or holding data   |
| Data subject    | The person whose personal data is held or processed  |
| Data controller | A person or organisation that determines the purposes for which, and the manner in which personal data is processed  |
| Data processor  | A person, other than an employee of the data controller, who processes the data on behalf of the data controller   |

#### 4. The Data Controller

Our school processes personal information relating to pupils, staff and visitors and therefore is a data controller. Our school delegates the responsibility of data controller to the school administrator and Headteacher.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually. Our ICO number is Z7571217.

#### 5. Data protection principles

5.1 The GDPR is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly, lawfully and transparently.
- Personal data shall be obtained only for one or more specified and legitimate purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and where necessary, kept up to date
- Personal data shall not be kept longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the GDPR.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensure an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

5.2 Under Article 6 of the GDPR data processing shall only be lawful if one of the following applies:

Consent has been given

- It is necessary to perform a contract
- It is necessary to comply with a legal obligation
- It is necessary to protect the vital interests of the data subject or another person
- It is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- It is necessary for the purposes of the legitimate interests pursued by a controller or a third party.

5.3 Our school records the lawful basis for processing each different type of data on a central register, which is available to view on request by pupils, parents, staff or third parties at any time. Please contact the Headteacher.

## 6. Roles and responsibilities

The Governors have overall responsibility for ensuring that the school complies with its obligations under the General Data Protection Regulation.

Day to day responsibilities rest with the Headteacher or the Senior Leadership Team in the Headteacher's absence. The Headteacher will ensure that all staff are aware of their data protection obligations and oversee any queries related to the storing or processing of personal data.

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

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

## 7. Privacy/fair processing notice

### 7.1 Pupils and parents

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

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests (i.e SATs)
- Data on pupil characteristics such as ethnic group or special educational needs
- Exclusion information

- Details of any medical conditions

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

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

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

## 7.2 Staff and Third Parties

We process data relating to those we employ to work, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including, but not limited to:

- Enable individuals to be paid
- Facilitate safer recruitment
- Support the effective performance management of staff
- Support the pastoral care of staff
- Improve the management of workforce data across the sector
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

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

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

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

We will not share information about staff with third parties without consent unless the law or our policies allow us to.

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

Any staff member or third party wishing to see a copy of information that the school holds should contact the Headteacher.

## 8. Subject access requests

### 8.1 Right of access by the data subject under the GDPR

Under Article 15 of the GDPR pupils, parents, staff and third parties have a right to request access to information the school holds about them. This is known as a subject access request.

Personal data about a child belongs to that child and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights. For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request or do understand and have given their consent. Although no formal age has been laid down by law in England, we would generally take the view that primary aged children are not of sufficient maturity to understand their rights under the GDPR but will consider each request on a case-by-case basis.

### 8.2 Right to see the educational record under Regulation 5 of the Education (Pupil Information) (England) Regulations 2005 ('Regulation 5')

Under Regulation 5 parents have a right of access to their child's educational record, free of charge, within 15 (fifteen) school days of a request.

### 8.3 Procedure for all subject access requests including requests to see the educational record

8.3.1 All subject access requests set out in paragraphs 8.1 and 8.2 above must be submitted in writing, either by letter, email or fax.

Requests should include:

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

8.3.2 If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this

- Give you a copy of the information in an intelligible form

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

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

8.3.4 If the subject access request does not relate to the pupil's educational record we will respond within 28 (twenty-eight) days. We reserve the right to charge for providing the details requested in a subject access request that is manifestly excessive or unfounded.

## 9. Other rights under the GDPR

In addition to the rights detailed above, there are the following rights under the GDPR:

### 9.1 Right to rectification (Article 16)

A data subject may request that inaccurate person data is rectified and the school will respond to any such requests without undue delay and in any event within 28 (twenty eight) days.

### 9.2 Right to erasure (right to be forgotten) (Article 17)

A data subject may make a request to have personal data erased about them if the personal data

9.2.1 is no longer necessary in relation to the purposes for which they were collected or processed;

9.2.2 the data subject withdraws consent and there is no other legal ground for processing; or

9.2.3 the data subject objects to the processing pursuant to Article 21(1) or (2) and there are no overriding legitimate grounds for processing.

### 9.3 Right to restrict processing (Article 18)

A data subject may request that processing is restricted where:

9.3.1 the accuracy of the personal data is contested by the data subject and the data controller has a period to enable them to verify the accuracy of the personal information; or

9.3.2 the processing is unlawful, but the data subject opposes their erasure and requests restriction instead.

In all such cases in paragraphs 9.1 to 9.3 above the school will report any restriction, erasure or restriction of processing to each recipient to whom the personal data has been disclosed unless it is impossible or requires disproportionate effort within 28 (twenty-eight) days. If it is impossible or requires disproportionate effort, then the school will advise the data subject of

the same within 28 (twenty-eight) days. If the data subject (pupil or their parent) requests, in addition, the school shall inform them about those recipients.

#### 9.4 Right to data portability (Article 20)

A data subject has the right to receive the personal data that they have provided to the school in a commonly used machine-readable format and the right to transmit those to another data controller.

#### 9.5 Right to object (Article 21)

9.5.1 A data subject has a right to object at any time to the processing of their personal data which is based on a performance necessary in the public interest (Article 6(e)) or it is necessary for the purposes of the legitimate interests pursued by the controller or a third party (Article 6(f)). In such circumstances the school would need to demonstrate compelling legitimate grounds for processing which override the interests, rights and freedoms of the pupil or to establish, exercise or defend any legal claims.

9.5.2 A data subject may object at any time for personal data being processed for the purposes of direct marketing.

In all such cases in paragraphs 9.4 and 9.5 above the school will respond to any requests within 28 (twenty-eight) days.

### 10. Storage of records

The school has extensive security and safeguarding measures in place to ensure the safety and security of all personal information. In addition:

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form) staff must sign it in and out from the school office
- Passwords that are at least 8 (eight) characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals.
- Staff, pupils, governors or third parties who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

### 11. Disposal of records

Personal information that is no longer needed or has become inaccurate or out of date is disposed of securely. For example, we will shred or incinerate paper-based records and override electronic files. We may also use an outside company to safely dispose of electronic records.

## 12. Training

Our staff and governors are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development where changes to legislation or the school's processes make it necessary.

## 13. Monitoring arrangements

The Headteacher is responsible for monitoring and reviewing this policy. The Governing Body checks that the school complies with this policy by, amongst other things, reviewing school records once every 6 (six) months. This document will be reviewed every 2 (two) years. At every review, the policy will be shared with the Governing Body.

## 14. Links with other policies

The data protection policy and associated privacy notice is linked to the freedom of information publication scheme which may be viewed on our website