

Broad Oak

Primary School

www.broadoak.lancs.sch.uk

**General Data Protection Regulation
Policy (GDPR) and Handbook.**

POLICY



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BROAD OAK PRIMARY SCHOOL

General Data Protection Regulation (GDPR) Policy & Handbook

Definitions:

Data Subject – person who's data you hold

Data Controller – organisation

Data Processor – organisation who holds and shares information

Processing – obtaining, recording, holding, organising, adapting, altering, retrieving, consulting, matching, transmitting, disseminating, making available, aligning, combining, blocking, erasing & destroying

Personal data – any information relating to an identified or identifiable natural person, e.g. name, identification number, location data, online identifier

Consent: 'any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.'

Personal Data Breach – 'a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.'

Purpose of GDPR – the protection of natural persons in relation to the processing of personal data.

Principles:

1. Lawfulness, Fair & Transparency
2. Purpose Limitation
3. Data Minimisation
4. Accuracy
5. Storage Limitation
6. Integrity and Confidentiality

School will review annually which data is collected. Personal data shall be processed lawfully (Section 29 of DPA). Consent will be sought unless the data is statutory. Parents are able to withdraw consent at any time.

Privacy Notices will be completed by staff and parents (on behalf of the child). See Appendix 1A & 1B.

Data Retention:

Data will be retained within an organisation. Dependant on what the information is there are different periods of time for certain data. See <http://irms.org.uk/page/SchoolsToolkit>

https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016_IRMS_Toolkit_for_Schools_v5_Master.pdf (pages 36-57)

Information Society Services are defined as any service normally provided for remuneration, at a distance, by electronic means. This includes all social media usage, any software/programmes used and iCloud storage. School will ensure that they are compliant with GDPR, a contract will be made and time frames identified re: how long records will be kept. Email accounts need to be compliant; therefore School will use the lancs.sch.uk or Gmail accounts.

Schools will ensure that we work in a transparent way; ensuring parents understand what we do with the data, why we need/collect the data and how it will be used.

School will follow guidance from the ICO (Information Commissioner's Office).

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

School will complete a data map. This records: why, whose, what, when, where.

https://www.inforights.im/media/1271/gdpr_part-1_toolkit_mapping_may2016.pdf

It is essential that school will not extract information/data unnecessarily, therefore minimising excessive collection. This is strategic information management.

Prohibition:

Special categories are:

Racial/ethnic origin, Political opinions, Religious/philosophical beliefs, Trade Union membership, Genetic/Biometric data, Health data (unless the School has a separate agreement with the School Health team re: information sharing) and Sex life/sexual orientation.

GDPR requires that School 'Processes data 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.'

At School we will store information on our shared server. All laptops/electronic devices will be password protected with anti-virus software installed. No data will be stored on personal electronic equipment. Therefore as a School we are able to ensure that we maintain confidentiality, integrity, availability and resilience.

Sharing:

Staff will receive regular training and information regarding changes/updates to the GDPR. If staff have questions they must seek advice from the DPO and reference the document ICO – Data Sharing Code of Practice.

https://ico.org.uk/media/for-organisations/documents/1068/data_sharing_code_of_practice.pdf

See appendix 2A & 2B for checklist.

Third party data processors will be required to meet all GDPR requirements.

Data sharing out of the EU requires the School to notify all Data Subjects.

School has the following policies and processes to uphold GDPR:

1. Privacy Notices
2. Data Protection Policy
3. On- line Safety Policy
4. Retention Schedules
5. Request Process
6. Processes to accommodate data subject rights
7. Incident reporting
8. Data Protection Impact Assessments
9. Staff Training

Access/Rights:

Controllers have a legal obligation to give effect to the rights of Data Subjects;

- Fair processing notices are re-cast as a right
- Rights of subject access
- Right to rectification
- Right to erasure ('right to be forgotten')
- Right to restrict/object
- Right to data portability
- Right not to be profiled (automated processing of personal data)

All Data Subjects have the right to access of their records. The information can be accessed with no fee however copies made are chargeable (price: £10). This process usually is given a 1 month time scale, however in certain complex circumstances this may be a period of 2 months. All Subjects have a right to a fair processing of information.

Exemptions:

- Crime
- Disclosure by law
- Judicial proceedings
- Crown honours & dignities
- Armed Forces (defence purpose)
- Economic well-being
- Legal Professional Privilege (LPP)
- Negotiations
- Research & Stats

Obligation:

School has an obligation to appoint a Data Protection Officer (DPO). The DPO will carry out regular and systematic monitoring of data subjects on a large scale, looking into special categories and personal data relating to criminal convictions & offences. (SEE APPENDIX 3)

The role of the DPO is (*see appendix 3 for contact details*):

- the first point of contact for the School and ICO
- has knowledge and understanding of the DPA
- understands the School's structure
- is familiar with School's IT infrastructure and technology
- is independent of decision making
- has the ability to advise the School (with the support from the LA legal team)
- provide advice for the Data Protection Impact Assessments (DPIA) – these are to be completed when necessary

Procedure for Breach Reports:

- ✓ Report to ICO within 72 hours (not investigate)
- ✓ Information to gather for ICO – nature of incident, categories and numbers of records, ID of School, likely consequences for Data Subjects & measures taken
- ✓ High risk data – inform Data Subjects without undue delay

Powers of ICO:

- ❖ Information Notice
- ❖ Assessment Notice
- ❖ Enforcement Notice
- ❖ Penalty Notice
- ❖ Powers of entry & inspection (warrant)

Appendix 1A

Privacy Notice (How we use pupil information)

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Medical information
- Information on Special Educational Needs (SEN)

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing

The lawful basis on which we use this information

We collect and use pupil information under

We collect and use pupil information under: Data Protection Act 1998 (until 25th May 2018)

- Schedule 2(5)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment
- Schedule 2(5)(d) – The processing is necessary for the exercise of any other functions of a public nature exercised in the public interest by any person
- Schedule 3(7)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment General Data Protection Regulation (EU) 2016/679 (from 25th May 2018)
- Article 6(1)(e) – the processing 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
- Article 9(2)(g) – the processing is necessary for reasons of substantial public interest

We use the pupil data:

- to support pupil learning
 - to monitor and report on pupil progress
 - to provide appropriate pastoral care
 - to assess the quality of our services
 - to comply with the law regarding data sharing
- The categories of pupil information that we collect, hold and share include:
- Personal information (such as name, unique pupil number and address)
 - Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
 - Attendance information (such as sessions attended, number of absences and absence reasons)
 - Academic progress / assessment data
 - Relevant medical information
 - Special educational needs information
 - Exclusions / behavioural information

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data on individuals for as long as the pupil remains at Broad Oak Primary School or longer if deemed necessary. Each case will be dealt with on an individual basis and the storing of pupil data will be reviewed annually.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- NHS
- School Nurses
- Outside bodies dealing with the welfare and well-being of an individual child.

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, please contact Broad Oak Primary School Office Manager:

office@broadoak.lancs.sch.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact:

The Office Manager, Broad Oak Primary School

Email: office@broadoak.lancs.sch.uk

Appendix 1B

Privacy Notice (How we use school workforce information)

To make available to those employed to teach, or otherwise engaged to work, at a school or a local authority to explain how you use their personal information.

The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- medical information
- home address & telephone number
- payroll information
- information on next of kin – in case of an emergency.

Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed
- inform the development of recruitment and retention policies
- enable individuals to be paid
- in case of emergency

The lawful basis on which we process this information

We process this information under :

Data Protection Act 1998 (until 25th May 2018)

- Schedule 2(5)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment
- Schedule 2(5)(d) – The processing is necessary for the exercise of any other functions of a public nature exercised in the public interest by any person
- Schedule 3(7)(b) - The processing is necessary for the exercise of any functions conferred on any person by or under any enactment General Data Protection Regulation (EU) 2016/679 (from 25th May 2018)
- Article 6(1)(e) – the processing 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
- Article 9(2)(g) – the processing is necessary for reasons of substantial public interest

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold school workforce data for as long as the person remains as a volunteer / serving member of staff. However, each piece of data is treated on a case by case basis and may be held for a longer period if this is deemed appropriate. This is reviewed annually.

Who we share this information with

We routinely share this information with:

- our local authority
- the Department for Education (DfE)
-

Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, please contact Broad Oak Primary School, Office Manager.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at

<https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact:

The Office Manager, Broad Oak Primary School in the first instance.

Appendix 2A

Data sharing checklist – systematic data sharing

Scenario: You want to enter into an agreement to share personal data on an ongoing basis.

Is the sharing justified? Key points to consider:

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

Do you have the power to share? Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share.

It is good practice to have a data sharing agreement in place. As well as considering the key points above, your data sharing agreement should cover the following issues:

- What information needs to be shared.
- The organisations that will be involved.
- What you need to tell people about the data sharing and how you will communicate that information.
- Measures to ensure adequate security is in place to protect the data.
- What arrangements need to be in place to provide individuals with access to their personal data if they request it.
- Agreed common retention periods for the data.
- Processes to ensure secure deletion takes place.

Appendix 2B

Data sharing checklist – one off requests

Scenario: You are asked to share personal data relating to an individual in 'one off' circumstances.

Is the sharing justified? Key points to consider:

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

Do you have the power to share? Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share. Key points to consider:

- What information do you need to share? – Only share what is necessary. – Distinguish fact from opinion.
- How should the information be shared? – Information must be shared securely. – Ensure you are giving information to the right person.
- Consider whether it is appropriate / safe to inform the individual that you have shared their information.

Record your decision.

Record your data sharing decision and your reasoning – whether or not you shared the information.

If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

Appendix 3

DPO Information:	
Name	Laura Brownley
Telephone Number (work/mobile)	
Email address	head@lostockhall-pri.lancs.sch.uk
Date of appointment as DPO and review date	April 2018
Address	Lostock Hall Community Primary School. Linden Drive, Lostock Hall Preston Lancashire PR5 5AS
Job title	Headteacher

Appendix 4 - Information and Records Management Society Retention Guidelines for Schools – Timescales for the retention of different types of school data.

Double click on the icon below to access the entire PDF document.



Document Retention
Schedule_Nov15.pdf

