The John of Gaunt School

A Community Academy

Data Protection Policy

Originator	Reviewed by	Date of Review	Approved by	Date of Approval	Next Review Date	Website
DCO	Resources	May 2018	Board	21 May 2018	May 2020	Yes

This policy should be read and understood in conjunction with the following policies and guidance:

- The General Data Protection Regulations (2016)
- IRMS Record Management Toolkit for Schools V5 2016[i]
- ICO - Notification of Security Breaches[ii]
- Freedom of Information Toolkit and Procedures*
- Secure Data Handling Policy*
- Subject Access Request Procedures - GDPR*

**(Can be found on the Schools Website. Under Parents/information-governance-gdpr)*

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1. Vision Statement

'Creating an irresistible climate for achievement'

We challenge, support and encourage every student to **achieve their potential**.

- We believe **effort** and **dedication** lead to success and we **raise aspirations**.
- We **personalise our provision** to meet the needs of individuals.
- We enable our students to flourish as **confident learners and leaders** of our community.
- We create a culture where all stakeholders **feel valued, supported and proud.**
- We **work collaboratively** to improve outcomes for our students and support other schools to improve.

2. General Principles:

- It is recognised that schools have increasing access to a wide range of personal data about pupils, parents and staff, some of which we are legally required to gather and process in order to carry out our duties as a public authority. This may also be to support the development of pupils (educationally, socially and emotionally), to protect the pupils in our care and to facilitate the efficient running of the school.
- Data and records provide evidence for protecting the legal rights and interests of the school and provide evidence for demonstrating performance and accountability.
- Under the General Data Protection Regulations (GDPR), there are strict legal guidelines in place as to how data should be both 'controlled' and 'processed', which the school is fully aware of and complies with.
- These regulations apply to 'personal data', 'special categories of personal data' and personal data relating to 'criminal convictions and offences'.
- This policy applies to all data and records created, received or maintained by staff of the school in the course of carrying out its functions.

3. Key Definitions:

- **Records** are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created or maintained in hard copy and/or electronically.
- **Personal data** is defined as any information relating to an identifiable person who can be directly or indirectly identified, including by reference to a unique indicator.
- **Special categories of personal data** (previously referred to as 'sensitive data') specifically refers to information held about an individual in the following categories:
  - race
  - ethnic origin
  - religion
  - genetics
  - biometrics
  - health

  in addition, as this data, by its very nature could create more significant risks to a person's fundamental rights and freedoms, there are additional safeguards in place.
- **Data controllers** determine the purposes and means of processing personal data.
- **Data processors** are responsible for processing personal data on behalf of a controller.
- **Personal data breaches** are defined as a security incident that has affected the confidentiality, integrity or availability of personal data. A personal data breach takes place whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation or if the data is made unavailable and this unavailability has a significant negative effect on individuals.
- **Subject Access Requests**[1] gives individuals the right to see a copy of the information an organisation holds about them. Also, see the Schools Subject Access Request Procedures, which can be found on the Schools Website, under Parents/information-governance.

4. Requirements of the General Data Protection Regulations

- Under the GDPR, the data protection principles (Article 5)[2]: set out the main responsibilities for organisations which require that personal data shall be
  - **a)** processed lawfully, fairly and in a transparent manner in relation to the individual
  - **b)** collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
  - **c)** adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed

[1] Guide to the General Data Protection Regulation (GDPR), Right of Access, Page 59
[2] Guide to the General Data Protection Regulation (GDPR) Page 9

d) accurate and, where necessary, kept up to date with every reasonable step being taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay

e) kept in a form which permits identification of the data subjects for no longer than is necessary for the personal data are processed, and

f) processed in a manner that ensures appropriate security for the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures

4. Responsibilities:

The school:

- has a responsibility to maintain its records and record keeping systems and the person with overall responsibility for this policy is the Head Teacher.
- is required to appoint a Data Protection Officer to oversee the collection, processing and security of data and the person responsible at this school is Rob Long and he can be contacted by emailing robert.long@n-somerset.gov.uk or contact the schools Data Protection Administrator Debbie Cottle at dcottle@jogschool.org
- as both a controller and processor of personal data, has a responsibility to register with the 'Information Commissioner's Office' and to renew the registration annually
- must inform people (through the issuing of **Privacy Notices** what data they are required to collect and retain and the lawful basis for processing personal data as defined by Article 6[3] of the GDPR
- must, through the same Privacy Notices also inform people of any special category data and/or data on criminal convictions or offences, they hold, together with the lawful basis for that processing as defined by Articles 9 and 10 (respectively) of the GDPR[4]

The Data Protection Officer:

- informs and advises the school and its employees about their legal obligations to comply with the GDPR and other data protection laws
- manages internal data protection activities
- is the first point of contact for external supervisory authorities as well as those individuals whose data the school holds

Individual staff and employees:

- must ensure that the records for which they are responsible are accurate and are maintained and disposed of in accordance with the school's records management guidelines. This will form part of staff induction procedures.

Parents/carers, pupils and staff:

- should ensure that the information they provide the school with is accurate and kept up to date

5. Rights of individuals on whom data is held[5]

The GDPR identified seven 'rights' of individuals on whom data is held, some of which apply to schools and others which are aimed at commercial practices. The Guide to the General Data Protection Regulation (GDPR) (Page 51) which can be found on the Schools Website, under Parents/information-governance-gdpr which gives more details. Should you wish for more detailed information, please go to the ICO website by clicking on the links below.

The seven rights as outlined by the GDPR are:

- right to be informed – Privacy notices
- right of access - Subject Access Request
- right to rectification - correcting errors
- right to erasure- deletion of data when there is no compelling reason to keep it

[3] Guide to the General Data Protection Regulation (GDPR) Page 10
[4] Guide to the General Data Protection Regulation (GDPR) Page 10
[5] Guide to the General Data Protection Regulation (GDPR) Page 51

- right to restrict processing- blocking or suppression of processing
- right to data portability -the right to receive personal data they have provided to a controller in a structured, commonly used and machine readable format
- right to object – objection based on grounds pertaining to their situation

6. Privacy Notices:

(Can be found on the Schools Website. Under Parents/information-governance-gdpr)

The school, in compliance with the requirements of the GDPR, will issue Privacy Notices to individuals on whom we hold data, at the time that they join our school.

7. Accountability and Governance[6]

Under the GDPR, the school is required to demonstrate that we comply with the principles of accountability and responsibility and in order to do this we must:

- ensure that we implement appropriate technical and organisation measures which will include:
  - publication of this policy
  - on-going training for staff and induction for new staff
  - internal audits of all the personal data we hold, including special categories of personal data which include the form that the data is held in, where it is held, who has access to it, the security measures in place and how long it is retained for
- ensure that our records are kept up to date and reflect our current position, and in the unlikely event of a data breach, (see 8 below on Personal data breaches) we will ensure that records are kept regarding the breach and the action we took in response to it.

8. Personal data breaches

- Personal data breaches can include:
  - access to the data we hold by an unauthorised 3rd party
  - deliberate or accidental action (or inaction) by a controller or processor
  - sending personal data to an incorrect recipient
  - computing devices containing personal data being lost or stolen
  - alteration of personal data without permission; and
  - loss of availability of personal data.
- The school needs to ensure that there are robust systems in place to detect, investigate and report any breaches of personal data.
- For more detailed information on the process of reporting data, breaches go to the ICO's website.[7]
- We will keep records of any data breach, whether or not we are required to inform the ICO

9. Freedom of Information

The school understands its obligations under the Freedom of Information Act 2000 and the procedures and supporting documents, which explain the process, can be found on the schools website.

10. Policy review

This policy will be reviewed every 2 years or earlier in the event of any changes to legislation.

11. Further guidance

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[i] IRMS Record Management Toolkit for Schools V5 2016

[ii] ICO - Notification of Security Breaches

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[6] Guide to the General Data Protection Regulation (GDPR)Page 99

[7] ICO's guidance to reporting a data breach