PARSONS GREEN PREP SCHOOL

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DATA PROTECTION POLICY
Whole school and EYFS

IMPORTANT: For the academic year 2021 – 2022, head/headteacher will be the Principal and therefore these titles are interchangeable.

The Head undertakes a formal annual review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, by no later than one year from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed: Mr Tim Cannell

Date reviewed: September 2021

Date of next review: September 2022

Policy statement

Parsons Green Prep is committed to a policy of protecting the rights and privacy of individuals (including students, staff and others) in accordance with the General Data Protection Regulation (2016/679 EU) (GDPR). The school needs to process certain information about its staff, students and other individuals it has dealings with for administrative purposes (e.g. to recruit and pay staff, to administer programmes of study, to record progress, to agree awards, to collect fees, and to comply with legal obligations to funding bodies and government). To comply with the law, information about individuals must be collected and used fairly, stored safely and securely and not disclosed to any third party unlawfully.

The policy applies to all staff and children of the school. Any breach of the GDPR or the school Data Protection Policy is considered to be an offence and in that event, the school's disciplinary procedures will apply.

Background to the policy

The General Data Protection Regulation (2016/679 EU) (GDPR) enhances and broadens the scope of the Data Protection Act 1998. Its purpose is to protect the rights and privacy of living individuals and to ensure that personal data is not processed without their knowledge, and, wherever possible, is processed with their consent.

Definitions: The General Data Protection Regulation (2016/679 EU) (GDPR)

Personal data

Data relating to a living individual who can be identified from that information or from that data and other information in possession of the data controller. Includes name, address, telephone number and wider personal identifiers to constitute personal data to include identification

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number, location data or online identifier. Also includes expression of opinion about the individual and of the intentions of the data controller in respect of that individual.

Sensitive data

Different from ordinary personal data (such as name, address, telephone) and relates to racial or ethnic origin, political opinions, religious beliefs, trade union membership, health, sex life, criminal convictions, genetic data and biometric data. Sensitive data are subject to much stricter conditions of processing.

Data controller

Any person (or organisation) who makes decisions with regard to particular personal data, including decisions regarding the purposes for which personal data are processed and the way in which the personal data are processed.

Data subject

Any living individual who is the subject of personal data held by an organisation.

Processing

Any operation related to organisation, retrieval, disclosure and deletion of data and includes: obtaining and recording data accessing, altering, adding to, merging, deleting data retrieval, consultation or use of data disclosure or otherwise making available of data.

Third party

Any individual/organisation other than the data subject, the data controller or their agents.

Relevant filing system

Any paper filing system or other manual filing system which is structured so that information about an individual is readily accessible. **Please note that this is the definition of "relevant filing system" in the Act. Personal data as defined, and covered, by the Act can be held in any format, electronic (including websites and emails), paper-based, photographic etc. from which the individual's information can be readily extracted.** Key coded information may also fall within the scope of the GDPR, depending on how difficult it is to identify an individual.

Responsibilities under the GDPR

- The school as a corporate body is the data controller.
- A data protection officer has been appointed who is responsible for day-to-day data protection matters and for developing specific guidance notes on data protection issues for the school. This is currently Mr Neil Christey.
- Compliance with data protection legislation is the responsibility of all persons in the school who process personal information.
- Staff members are responsible for ensuring that any personal data supplied to the school is accurate and up to date.

Notification

Notification is the responsibility of the data protection officer. Details of the school's notification are published on the Information Commissioner's website.

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Data protection principles

All processing of personal data must be done in accordance with the eight data protection principles.

1. **Personal data shall be processed fairly and lawfully.**
   Those responsible for processing personal data must make reasonable efforts to ensure that data subjects are informed of the identity of the data controller, the purpose(s) of the processing, any disclosures to third parties that are envisaged and an indication of the period for which the data will be kept.
2. **Personal data shall be obtained for specific and lawful purposes and not processed in a manner incompatible with those purposes.**
   Data obtained for specified purposes must not be used for a purpose that differs from those.
3. **Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is held.**
   Information, which is not strictly necessary for the purpose for which it is obtained, should not be collected. If data are given or obtained which is excessive for the purpose, they should be immediately deleted or destroyed.
4. **Personal data shall be accurate and, where necessary, kept up to date.**
   Data, which is kept for a long time, must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that it is accurate. It is the responsibility of individuals to ensure that data held by the school is accurate and up-to-date. Completion of an appropriate registration or application form etc will be taken as an indication that the data contained therein is accurate. Individuals should notify the school of any changes in circumstance to enable personal records to be updated accordingly. It is the responsibility of the school to ensure that any notification regarding change of circumstances is noted and acted upon within a reasonable period.
5. **Personal data shall be kept only for as long as necessary.**
6. **Personal data shall be processed in accordance with the rights of data subjects under the GDPR.**
7. **Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of data**.
8. **Personal data shall not be transferred to a country or a territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.**
   Data must not be transferred outside of the European Economic Area (EEA) Member States without the explicit consent of the individual. Staff of the school should be particularly aware of this when publishing information on the internet, which can be accessed from anywhere in the globe. This is because transfer includes placing data on a website that can be accessed from outside the EEA.

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Data subject rights
Data subjects have the following rights regarding data processing and the data which is recorded about them:

- to make subject access requests regarding the nature of information held and to whom it has been disclosed
- to prevent processing likely to cause damage or distress
- to prevent processing for purposes of direct marketing
- to be informed about mechanics of automated decision-taking process that will significantly affect them
- not to have significant decisions that will affect them taken solely by automated process
- to sue for compensation if they suffer damage by any contravention of the Act
- to take action to rectify, block, erase or destroy inaccurate data
- to have data permanently deleted (the right to be forgotten)
- to request the Commissioner to assess whether any provision of the Act has been contravened.

Consent
Consent must be clear, specific, positive opt-in and separate from other terms and conditions.

Wherever possible, personal data or sensitive data should not be obtained, held, used or disclosed unless the individual has given consent. The school understands “consent” to mean that the data subject has been fully informed of the intended processing and has signified their agreement, whilst being in a fit state of mind to do so and without pressure being exerted upon them. Consent obtained under duress or on the basis of misleading information will not be a valid basis for processing. There must be some active communication between the parties such as signing a form and the individual must sign the form freely of their own accord. Consent cannot be inferred from non-response to a communication. For sensitive data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.

In most instances consent to process personal and sensitive data is obtained routinely by the school (e.g. when a parent signs a registration form or when a new member of staff signs a contract of employment). Any school forms (whether paper-based or web-based) that gather data on an individual should contain a statement explaining what the information is to be used for and to whom it may be disclosed. It is particularly important to obtain specific consent if an individual's data is to be published on the internet as such data can be accessed from all over the globe. Therefore, not gaining consent could contravene the eighth data protection principle.

If an individual does not consent to certain types of processing (e.g. direct marketing), appropriate action must be taken to ensure that the processing does not take place.

If any member of the school is in any doubt about these matters, they should consult the Data Protection Officer.

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Security of data
All staff are responsible for ensuring that any personal data (on others) which they hold is kept securely and that it is not disclosed to any unauthorised third party.

All personal data should be accessible only to those who need to use it. You should form a judgement based upon the sensitivity and value of the information in question, but always consider keeping personal data:

- in a lockable room with controlled access, or
- in a locked drawer or filing cabinet, or
- if computerised, password-protected, or
- kept on removable media are themselves kept securely.

Care should be taken to ensure that PCs and terminals are not visible except to authorised staff and that computer passwords are kept confidential. PC screens should not be left unattended without password-protected screensavers and manual records should not be left where they can be accessed by unauthorised personnel.

Care must be taken to ensure that appropriate security measures are in place for the deletion or disposal of personal data. Manual records should be shredded or disposed of as 'confidential waste'. Hard drives of redundant PCs should be wiped clean before disposal.

This policy also applies to staff who process personal data 'off-site'. Off-site processing presents a potentially greater risk of loss, theft or damage to personal data. Staff should take particular care when processing personal data at home or in other locations outside the school.

Rights of access to data
Members of the school have the right to access any personal data which is held by the school in electronic format and manual records which form part of a relevant filing system. This includes the right to inspect confidential personal references received by the school about that person.

Any individual who wishes to exercise this right should apply in writing to the Data Protection Officer. The request will be carried out free of charge, unless the request is excessive or unfounded, in such cases a reasonable fee will be charged for the request and any copies of the same information. For any such request information will be provided without delay at least within one month of receipt of the written request and, where appropriate, the fee. For complex requests, an extension can be agreed of up to 2 months with an explanation provided this is done within one month of receiving the request.

In order to respond efficiently to subject access requests the school needs to have in place appropriate records management practices.

Disclosure of data
The school must ensure that personal data **is not** disclosed to unauthorised third parties which includes family members, friends, government bodies and, in certain circumstances, the police. All

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staff should exercise caution when asked to disclose personal data held on another individual to a third party. For instance, it would usually be deemed appropriate to disclose a colleague's work contact details in response to an enquiry regarding a particular function for which they are responsible. However, it would not usually be appropriate to disclose a colleague's work details to someone who wished to contact them regarding a non-work related matter. The important thing to bear in mind is whether or not disclosure of the information is relevant to, and necessary for, the conduct of school business. Best practice, however, would be to take the contact details of the person making the enquiry and pass them onto the member of staff/parent concerned.

This policy determines that personal data may be legitimately disclosed where one of the following conditions apply:

1. The individual has given their consent (e.g. a parent/member of staff has consented to the school corresponding with a named third party).
2. Where the disclosure is in the legitimate interests of the institution (e.g. disclosure to staff - personal information can be disclosed to other employees if it is clear that those members of staff require the information to enable them to perform their jobs).
3. Where the institution is legally obliged to disclose the data (e.g. OFSTED and DfE returns, ethnic minority and disability monitoring).
4. Where disclosure of data is required for the performance of a contract (e.g. LEA on withdrawal of a child for government funding, etc).

The Act permits certain disclosures without consent so long as the information is requested for one or more of the following purposes:

- to safeguard national security*
- prevention or detection of crime including the apprehension or prosecution of offenders*
- assessment or collection of tax duty*
- discharge of regulatory functions (includes health, safety and welfare of persons at work)*
- to prevent serious harm to a third party
- to protect the vital interests of the individual - this refers to life and death situations

* Requests must be supported by appropriate paperwork.

When members of staff receive enquiries as to whether a named individual is a member of the school, the enquirer should be asked why the information is required. If consent for disclosure has not been given and the reason is not one detailed above (i.e. consent not required), the member of staff should decline to comment. Even confirming whether or not an individual is a member of the school may constitute an unauthorised disclosure.

Unless consent has been obtained from the data subject, information should not be disclosed over the telephone. Instead, the enquirer should be asked to provide documentary evidence to support their request. Ideally a statement from the data subject consenting to disclosure to the third party should accompany the request.

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As an alternative to disclosing personal data, the school may offer to do one of the following:

- pass a message to the data subject asking them to contact the enquirer
- accept a sealed envelope/incoming email message and attempt to forward it to the data subject.

If in doubt, staff should seek advice from their Data Protection Officer.

Retention and disposal of data
The school discourages the retention of personal data for longer than required. Considerable amounts of data are collected on current staff and children. However, once a member of staff or child has left the institution, it will not be necessary to retain all the information held on them. Some data will be kept for longer periods than others.

Children
In general, electronic records containing information about individual children are kept indefinitely and information would typically include name and address on entry and completion, reports and references to other schools.

The school should regularly review the personal files of individual children.

Staff
In general, electronic staff records containing information about individual members of staff are kept indefinitely and information would typically include name and address, positions held and leaving salary. Other information relating to individual members of staff will be kept by the school for 6 years from the end of employment. Information relating to income tax, statutory maternity pay etc will be retained for the statutory time period (between 3 and 6 years).

The school should regularly review the personal files of individual staff members.

Information relating to unsuccessful applicants in connection with recruitment to a post must be kept for 12 months from the interview date. Personnel may keep a record of names of individuals that have applied for, have been short-listed, or interviewed, for posts indefinitely. This is to aid management of the recruitment process.

Disposal of records
Personal data must be disposed of in a way that protects the rights and privacy of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion).

Direct marketing
Any person that uses personal data for direct marketing purposes must inform data subjects of this at the time of collection of the data. Individuals must be provided with the opportunity to object to the use of their data for direct marketing purposes (e.g. an opt-in box on a form).

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The General Data Protection Regulation (2016/679 EU) (GDPR) **Data Protection - Staff Records Management**

The GDPR gives individuals the right to access the information that an organisation holds on them. In order to comply with this part of the Act, organisations need to have in place effective means of extracting and retrieving information from a variety of sources.

The school may hold a great deal of information on their staff, usually in a variety of forms. In order to comply with a subject access request, the school will need to be able to locate and collate the information quickly. It is therefore vital that key personnel know what information is held and by whom. Ideally, all information relating to individual staff members should be kept in staff record files (paper or electronic) so that, in the event of a subject access request, the school can be confident that all the information is easily accessible. However, the school recognises that this may not always be the case in practice. The school should ensure that staff record files are as complete as possible but it is acknowledged that there may be some instances where **designated individuals*** need to retain information on staff which would not be appropriate for more general access.

***The data protection officer will be responsible for agreeing lists of designated individuals who are likely to hold information on individual members of staff.**