Himbleton CE Primary School and Nursery

Nurture, Nature, Knowledge:

Enabling inquisitive thinkers and inspired learners with kind hearts.

"Faith, Hope, Love…the greatest of these is Love." (Corinthians 13:13)

"So in everything, do unto others what you would have them do to you." (Matthew 7:12)

"Wise men and women are always learning, always listening for fresh insights." (Proverbs 18:15)

Data Protection Policy

Date of Governor Approval: 1st March 2022

Review Date: March 2023

Contents

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 GDPR 2018

This policy applies to all data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the Data Protection Act 1998, and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education.

It also takes into account the General Data Protection Regulation, which came into force in May 2018. 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 educational 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	Data such as: • Contact details • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union • Physical and mental health • Sexual orientation • Whether a person has committed, or is alleged to have committed, an offence • Criminal convictions
Processing	Retaining, 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 Headteacher. The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually. The DPO (Data Protection Officer) is Mark Roberts (Governor) and our CPO (Chief Protection Officer) is the School Administrator.

5. Data protection principles

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful 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 for 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 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 ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data.

6. Roles and responsibilities

The Governing Board has overall responsibility for ensuring that the school complies with its obligations under GDPR.

Day-to-day responsibilities rest with the Headteacher, or the Acting Headteacher/Assistant Headteacher 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. Staff must also inform the school of any changes to their personal data, such as a 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.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- 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

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body.

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 allows 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 wishing to see a copy of information about them that the school holds should contact the School Administrator.

8. Subject access requests

Under GDPR, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests may be submitting in writing or verbally and can be sent either to the Data Protection Officer, a member of staff or a Governor. To enable the request to be accurately responded to, the applicant should be encouraged to make the request in writing and to set out:

- Name of individual
- Name of School
- Correspondence address
- Contact number and email address
- Details of the information requested.

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
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child.

Subject access requests for all or part of the pupil's educational record will be provided within 15 school days. This information has to be provided free of charge.

9. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a 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 have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

10. Storage of records

Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal information are kept securely 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.

Staff should ensure clear desks when working, lock screen when leaving computer and ensure no one is overseeing work on computers.

Where personal information needs to be taken off site (in paper or electronic form), staff must adhere to the risk assessment advice and never leave any data in cars or unsupervised.

Passwords that are at least 8 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 or governors 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

If there is a breach of this data policy and data is compromised then this has to be reported to Mark Roberts (our DPO) via office@himbleton.worcestershire.sch.uk within 72 hours. Staff members should inform the Headteacher and the School Administrator (as soon as they are aware of the breach.)
The Headteacher is responsible for monitoring and reviewing this policy.

The Headteacher checks that the school complies with this policy by, among other things, reviewing school records termly.

This document will be reviewed annually.

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Personal Data Security Breach – Incident Reporting Form (Appendix to Data Protection Policy)

This form should be used to provide information to the Data Protection Officer when there has been a *serious* breach and consideration needs to be given to whether the breach should be reported to the ICO.

The aim of the form is to gather detailed information in order to understand the gravity of the breach, including its impact and what must be done to reduce the risk to personal data and the individuals concerned.

It is imperative that as much information as possible is provided.

The information will be used to review policies and procedures and assess whether changes are required.

Breach log no: _____

Breach log reference: _____

1. Details of the breach

Date and Time of the Incident

Number and description of individuals whose data is affected (e.g. 3 year 10 pupils)

Department (if relevant)

Nature of the breach

Description of how breach occurred

2. Reporting

When the breach was reported to you?

How did you become aware of the breach?

3. Personal Data

Full description of personal data involved (without identifying individuals)

Have all of the affected individuals been informed of the breach?

If not, why?

Has the personal data in this incident been inappropriately processed or further disclosed?

4. Consequence of the breach

Describe the risk of harm to individuals as a result of this breach

Is there a risk of identity fraud as a result of this breach?

Has a formal complaint been received from any of the individuals affected by the breach? If yes, please provide details.

5. Measures taken or to be taken?

What immediate action was taken?

Has the data been retrieved? If yes, please specify date and time. Has any further action been taken to minimise the possibility of a repeat of such an incident?

Has there been a breach of governance policies and procedures?

Have the employees involved with the incident received data protection training? Please provide details. Is further training needed?

Completed by:

Name: _____ Job Title: _____

Signature: _____ Date: _____