



DOWNE PRIMARY  
SCHOOL

# GENERAL DATA PROTECTION POLICY

REVIEWED Summer 2021

## **Introduction**

At Downe Primary School, we collect and use personal information or data about staff, pupils, parents, governors, volunteers and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, there is a legal requirement to collect, use and share information to ensure that it complies with its statutory duties.

Personal information or data is defined as data which relates to a living individual, who can be identified from the information held. Processing personal data is any activity that involves the use of personal data (e.g. obtaining, recording or holding the data, amending, retrieving, using, disclosing, sharing, erasing or destroying). It also includes sending or transferring personal data to third parties.

Compliance with data protection law is essential to ensure that personal data remains safe, and the rights of individuals are respected. Data protection law in the UK is regulated and enforced by the Information Commissioner's Office (ICO). Failure to comply with data protection law may expose the school, the Local authority and, in some cases, individual employees to serious legal liabilities. These can include criminal offences and fines.

Downe Primary School has a duty to be registered as a data controller and is registered as such with the Information Commissioner's Office (ICO). Under data protection law, this means the school makes decisions about how and why it uses the personal data it holds.

## **Purpose and aim of the Policy**

This Policy explains our procedures for complying with data protection law in relation to personal data. All staff involved with the collection, processing and disclosure of personal data will be aware of their obligations, duties and responsibilities by adhering to these guidelines and procedures. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

## **Who is responsible for data protection?**

As Downe Primary School is a maintained school the Data Protection Officer who is responsible for overseeing advising on and administering compliance with this Policy and data protection law is

**Lucinda Bowen**

[Lucinda.bowen@bromley.gov.uk](mailto:Lucinda.bowen@bromley.gov.uk)

All staff have responsibility for ensuring that personal data is kept secure and processed in a lawful manner although certain staff, the Head Teacher and Senior Admin and Finance Officer will have particular responsibilities, of which they will be aware and in respect of which they may receive specific instructions. The Governors have the responsibility to oversee that the Policy is adhered to and that data protection law is complied with.

If anyone is in any doubt about how personal data should be handled, or any concerns or questions in relation to the operation or suspected breaches of this Policy, advice should be sought from the Data Protection Officer.

## Data Protection Obligations

**1. Personal data shall be processed in a fair, lawful and transparent manner**

**2. Personal data shall be obtained only for one or more specified and legal purposes.**

Data protection law allows us to process personal data only where there are fair and legal grounds which justify using the information. Examples of legal grounds for processing personal data include the following (at least one of these must be satisfied for each processing activity):

- complying with a legal obligation (e.g. health and safety, tax laws, education laws);
- entering into or performing a contract with the individual (e.g. an Employee's terms and conditions of employment, or a contract for services with an individual customer);
- acting in Downe Primary School's or a third party's legitimate interests (e.g. maintaining records of attainment and standards of education); and
- obtaining the consent of the individual.

Where consent is relied upon, it must be freely given, specific, informed and unambiguous, and the school must effectively demonstrate that consent has been given. Data protection law also requires us to process personal data in a transparent manner by providing individuals with appropriate, clear and concise information about how we process their personal data. The school has a duty to publish a Privacy Notice to all staff, pupils and parents; this summarises the information held and the other parties to whom it may be shared with and how long we will keep it. Extra care will be taken when handling sensitive or special categories of personal data. Some categories of personal data are 'special' because they are particularly sensitive. These include information that reveals details of an individual's:-

racial or ethnic origin;  
religious or philosophical beliefs;  
trade union membership; political beliefs  
physical or mental health; and  
criminal offences or convictions.

Where special category personal data is concerned, data protection law requires us to have (as well as one of the legal grounds described above), an additional legal ground to justify using this sensitive information. The appropriate legal ground will depend on the circumstances. Additional legal grounds for processing special category data include the following:-

- complying with a legal obligation in the field of employment;
- assessing working capacity (based on expert medical opinion, and subject to obligations of confidentiality);
- carrying out equalities monitoring in relation to racial or ethnic origin, religious beliefs;
- preventing or detecting unlawful acts, safeguarding children; or
- explicit consent of the individual. (An express statement from the individual that their special category of data may be used for the stated intended purposes).

### **3. Personal data is adequate, relevant and limited to what is necessary for your legitimate purposes**

Data protection law requires us to ensure that, when we process personal data, it is adequate, relevant to our purposes and limited to what is necessary for those purposes (also known as 'data minimisation'). In other words, we ask for the information we need for our legitimate purposes, but we won't ask for more information than we need in order to carry out our required operations. We will also comply with our data retention and storage guidelines

### **4. Personal data shall be accurate and where necessary up to date.**

We request that staff, governors and parents (pupils) provide us with any change in contact details or personal information. We also take care that decisions impacting individuals are based on accurate and up-to-date information.

### **5. Personal data processed for any purpose shall not be kept for longer than is necessary for the identified purpose**

There is a Data Retention, Storage and Deletion Policy and guidelines regarding various types of information that contain personal data. We take appropriate steps to retain personal data only for so long as is necessary, taking into account the following criteria:

- the amount, nature, and sensitivity of the personal data;
- the risk of harm from unauthorised use or disclosure;
- the purposes for which we process the personal data and how long we need the particular data to achieve these purposes;
- how long the personal data is likely to remain accurate and up-to-date;
- for how long the personal data might be relevant to possible future legal claims; and
- any applicable legal, accounting, reporting or regulatory requirements that specify how long certain records must be kept.

### **6. Personal data shall be kept secure (protected by taking appropriate steps to ensure this)**

There are identified security procedures to keep personal data safe and protect the confidentiality, integrity, availability and resilience of data.

We take extra care when sharing or disclosing personal data. The sharing or disclosure of personal data is a type of processing, and therefore all the principles described in this Policy need to be applied.

Internal data sharing: We ensure that personal data is only shared internally on a 'need to know' basis.

External data sharing: We will only share personal data with other third parties where we have a legitimate purpose, and an appropriate legal ground under data protection law which permits us to do so. Commonly, this could include situations where we are legally obliged to provide the information (e.g. to HMRC for tax purposes) or where necessary to perform our contractual duties to individuals (e.g. provision of information to our occupational pension providers) or for educational purposes (e.g. school transfer information, safeguarding purposes).

We appoint third party service processors who will handle information on our behalf, for example to provide payroll, data storage or other services. We are responsible for ensuring that its processors comply with data protection law and this Policy in their handling of personal data. We must assess and apply data protection and information security measures prior to and during the appointment of a processor. The extent of these measures will vary depending on the nature of the activities, but will include appropriate risk assessments and reviews, and contractual obligations.

Details of the recipients or categories of recipients of personal data (including processors and other third parties) should be set out in privacy notices as described above.

### **7. Personal data will not be transferred to another country unless there are appropriate safeguards in place.**

An overseas transfer of personal data takes place when the data is transmitted or sent to, viewed, accessed or otherwise processed in, a different country. European Union data protection law restricts, in particular, personal data transfers to countries outside of the European Economic Area (EEA – this is the European Union plus Norway, Liechtenstein and Iceland), to ensure that the level of data protection afforded to individuals is not compromised (as the laws of such countries may not provide the same level of protection for personal data as within the EEA).

To ensure that data protection is not compromised when personal data is transferred to another country, we would contact the Data Protection Officer for further guidance before going ahead with the transfer.

### **8. Report any data breaches without delay**

We take any data protection breaches very seriously. These can include lost or mislaid equipment or data, use of inaccurate or excessive data, failure to address an individual's rights, accidental sending of data to the wrong person, unauthorised access to, use of or disclosure of data, deliberate attacks on our systems or theft.

Where there has been a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to individuals' personal data, immediate steps will be taken to identify, assess and address it, including containing the risks, remedying the breach, and notifying appropriate parties

If there has been a personal data security breach that poses a risk to the rights and freedoms of individuals, we will report it to the ICO within 72 hours of discovery. We also keep an internal record of all personal data breaches regardless of their effect and whether or not we report them to the ICO.

If a personal data breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell affected individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures we have taken.

### **9. Integrate data protection into any new operations or systems introduced**

Data protection law requires data protection considerations and security measures being built into all of our operations that involve the processing of personal data, particularly at the start of a new project or activity which may impact on the privacy of individuals. This involves taking into account various factors including:

- the risks (and their likelihood and severity) posed by the processing for the rights and freedoms of individuals;
- technological capabilities; and
- the nature, scope, context and purposes of the processing of personal data.

We also seek to assess data protection risks regularly throughout the lifecycle of any project or activity which involves the use of personal data.

## **Individual Rights and Requests**

Under Data Protection Law, individuals have certain rights when it comes to how we handle their personal data. Under Education law, parents have an independent right of access to their child's education record (Education pupil Information Regulations).

An individual has the following rights:

- **The right to make a 'subject access request'**. This entitles an individual to receive a copy of the personal data we hold about them, together with information about how and why we process it and other rights which they have (as outlined below). This enables them, for example, to check we are lawfully processing their data and to correct any inaccuracies.
- **The right to request that we correct incomplete or inaccurate** personal data that we hold about them.
- **The right to withdraw any consent** which they have given.
- **The right to request that we delete or remove** personal data that we hold about them where there is no good reason for us continuing to process it.

**Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. The identity of the requestor must be established before the disclosure of any information and checks should also be carried out regarding proof of relationship to the child. (E.g. of evidence of identity can be established by: passport, driver's licence, birth/ marriage certificate, bank, credit card or mortgage statement with current address).**

The school has the right to seek clarification if the request does not clearly identify the exact information required. We also have the right to make a charge for the provision of information. This is dependent upon the following:

- Should the information requested only contain the education record, then the amount charged will be dependent on the cost of copying the number of pages provided.
- If the information requested only contains the education record, a viewing (without copying) can be provided and will be free.
- Should the information requested be personal information that does not include any information contained within educational records, the school can charge up to £10 to provide it.

We are required to comply with these rights without undue delay within a 40 day statutory timeframe from the date clarification is received about the content of the information required and any receipt of fees imposed.

Information provided should be clear, any codes or technical terms will need to be clarified and explained. If information is difficult to read or illegible, it is good practise to re-type it.

Information can be received at the school, in a face to face handover, or via the post. The views of the applicant should be taken into account. If postal services are used then registered or recorded delivery must be used.

Data protection law allows some exemptions to the provision of some information. Before disclosing third party information (i.e. that which has been provided by another, such as the Police, Local Authority, Health Care Professionals or another school), consent from that party should be obtained.

Any information that can cause serious harm should not be disclosed (ie. information that would reveal that the child is at risk of abuse, safeguarding information or court proceedings).

Wherever there is concern over the disclosure of information, advice should be sought from the Data Protection Officer.

Complaints should be made following the school's complaints procedure. Complaints relating to information handling may be referred to the ICO.

## **Record Keeping**

In order to comply, and demonstrate our compliance, with data protection law, we keep various records of our data processing activities.

## **Departures from this Policy**

There are some very limited exemptions from data protection law, which may permit departure from aspects of this Policy in certain circumstances. The school will seek clarification and advice regarding this from the Data Protection Officer.