



Data Protection Policy GDPR Compliant

Please note:

- This policy should be read in conjunction with the IT Acceptable Use Policy and The Schools Privacy Notices.
- Sandside Lodge School is registered as a Data Controller with the Information Commissioner's Office (ICO) detailing the information held and its use

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. 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. It also takes into account the expected provisions of the General Data Protection Regulation (GDPR), which came into force on 25th May 2018.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

Changes to data protection legislation (GDPR May 2018)

The legal bases for processing data are as follows:

(a) Consent: the member of staff/pupil/parent has given clear consent for the school to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for the member of staff's employment contract or pupil placement contract.

(c) Legal obligation: the processing is necessary for the school to comply with the law (not including contractual obligations)

We collect and use pupil information under:

6 (1) (c) Necessary for compliance with legal obligation.

6 (1) (e) Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

In addition to the above, when collecting and using data related to staff we also do this under:

9 (2) (b) Necessary to meet obligations under employment, social security or social protection law, or a collective agreement.

9 (2) (c) Necessary to protect the vital interest of a data subject or other individual, where the data subject is physically or legally incapable of consenting.

9 (2) (h) For preventative/ occupational medicine; assessing work capacity of an employee medical diagnosis, providing health/ social care/ treatment or management of health care services under EU/ national law or contract with a health professional.

General Statement

Sandside Lodge School is committed to maintaining the principles from the Data Protection Act and new arrangements under GDPR. Therefore, the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

The members of staff responsible for data protection are mainly, but not exclusively, Donna Stretton (Headteacher), Ade John (IT Consultant) and Charlotte Ronald (Data Protection Officer). However all staff must treat all pupil information in a confidential manner and follow the guidelines as set out in this document.

Sandside Lodge School is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate and relevant training is provided. The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

Fair Processing / Privacy Notice:

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents/carers and pupils prior to the processing of individual's data.

Notifications shall be in accordance with ICO guidance.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/>

There may be circumstances where the school is required either by law or in the best interests of our pupils or staff to pass information onto external authorities, for example local authorities, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

When we will not disclose data

Subject to our legal obligations we will under no circumstances will the school disclose information or data:

- that would cause serious harm to the child or anyone else's physical or mental health or condition
- indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
- recorded by the pupil in an examination
- that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed
- in the form of a reference given to another school or any other place of education and training, the child's potential employer, or any national body concerned with pupil admissions

Location of Information and Storage of Data:

Hard copy data, records, and personal information are stored correctly and we keep a log of what we hold and how securely it is stored; this log is updated and checked regularly by the DPO. The only exception to this is medical information that may require immediate access during the school day. This will be stored with the medicines in a locked cupboard in the staff room.

Sensitive or personal information and data should not be removed from the school site, however the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with pupils.

All data will be stored securely as possible consistent with the need for it to be accessed for use.

ICT Acceptable Use Policy

We have a separate ICT Acceptable Use Policy and this cover the use of the network, printers, email and movement of data. These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

Data Disposal:

Sandside Lodge School recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper/ electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process. The school will always use a recognised waste disposal service to deal with sensitive paper-based data that is no longer required.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

https://ico.org.uk/media/fororganisations/documents/1570/it_asset_disposal_for_organisations.pdf

Data Processors

We are aware of our legal obligation to external data processors. We will obtain from them all necessary assurances about the integrity, accessibility and security of the data that we have provided.

Subject Access Requests:

Under data protection legislation, staff, parents and pupils (via parents for those under the age of 12 or those with Special Educational Needs and Disability where this is appropriate) 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 or your child's information, contact **Charlotte Ronald, Data Protection Officer (DPO)**

If anyone makes a subject access request, and if we do hold information about you or your child, we will:

- give you a description of it
- tell you why we are holding and processing it, and how long we will keep it for
- explain where we got it from, if not from you or your child
- tell you who it has been, or will be, shared with
- let you know whether any automated decision-making is being applied to the data, and any consequences of this
- give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

You also have the right to:

- *object to the accuracy of the data and request amendments.*
- 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 by a computer or machine rather than a person
- 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.

Enquiries

Information about Sandside Lodge Data Protection policy can be obtained from Donna Stretton (Headteacher) or Charlotte Ronald (Data Protection Officer).

Data Breaches

Any data breach should be reported to our Data Protection Officer, Charlotte Ronald, who has overall responsibility for the day-to-day implementation of this policy. We have a legal obligation to report any qualifying data breach to the ICO within 72 hours.

Date policy approved by governors:

Curriculum and Staffing Committee – 22nd May 2018

Full Governing Body – 19th June 2018

Appendices

Staff ICT Acceptable Use Policy

Privacy Notice for Pupil Data

Privacy Notice for Staff Data

Signed:

Headteacher

Chair of Governors