



Springcroft Primary School

General Data Protection Regulation (GDPR)/Data Protection Policy

Date Adopted: September 2023
Author/owner: Springcroft Primary School
Anticipated Review: Autumn Term 2024

Approved	Signature	Date

Our Mission Statement:
The place to learn, the place to succeed, the place to make friends, the place to grow.

CONTENTS

1. Statement of Intent	3
2. Legal Framework	3
3. Applicable data	3
4. Principles	4
5. Definitions	5
6. The Data Controller	6
7. Roles and Responsibilities	6
8. Collecting Personal Data	7
9. Sharing Personal Data	8
10. Accountability	9
11. Lawful processing	9
12. Consent	10
13. The right to be informed	11
14. The right of access	12
15. Other data protection rights of the individual	14
16. Parental requests to see the educational record	14
17. The right to rectification	15
18. The right to erasure	15
19. The right to restrict processing	16
20. The right to data portability	16
21. The right to object	17
22. Data breaches	18
23. Data security	19
24. Biometric recognition systems	20
25. CCTV	21
26. Photographs and videos	21
27. Data Protection by Design and Default	21
28. Data retention	22
29. Monitoring Arrangements	23
Appendix 1	24
Appendix 2	27

1. Statement of intent

Springcroft Primary School is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the General Data Protection Regulation (GDPR). The school may, from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the LA, the DfE, other schools and educational bodies, and potentially social services. This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the school complies with the following core principles of the GDPR.

Springcroft Primary School aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the UK data protection legislation (the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

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

2. Legal framework

This policy has due regard to legislation, including, but not limited to the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016) The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998

This policy will also have regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

This policy will be implemented in conjunction with the following other school policies:

- IT Acceptable Use Policy

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. Applicable data

For the purpose of this policy, **personal data** refers to information that relates to an identifiable, living individual, including information such as an online identifier, such as an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudo-anonymised data, e.g. key-coded.

Sensitive personal data is referred to in the GDPR as 'special categories of personal data', which are broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include the processing of genetic data, biometric data and data concerning health matters.

4. Principles

In accordance with the requirements outlined in the GDPR which came into effect on the 25th May 2018 and the Data Protection Act 2018, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be 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.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with the principles”.

5. Definitions

Term	Definition
<p>Personal data</p>	<p>Any information relating to an identified, or identifiable, living individual. This may include the individual's:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<p>Special categories of personal data</p>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
<p>Processing</p>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.</p>
<p>Data subject</p>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<p>Data controller</p>	<p>A person or organisation that determines the purposes and the means of processing</p>

	of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

6. The Data Controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The school is registered with the Information Commissioner's Office (ICO) and shall pay the appropriate registration fee annually or as otherwise legally required.

7. Roles and responsibilities

This policy applies to all staff employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

7.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

7.2 Data protection officer (DPO) – Staffordshire County Council

A DPO is appointed in order to:

- Inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws
- Monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members
- The role of DPO will be met in-house provided that their duties are compatible with the duties of the DPO and do not lead to a conflict of interests
- The DPO will report to the highest level of management at the school, which is the Headteacher
- The DPO will operate independently and will not be penalised for performing their task
- Sufficient resources will be provided to the DPO to enable them to meet their GDPR obligations.
- All employees and volunteers at Springcroft Primary School have responsibility for ensuring that GDPR and Data Protection laws are adhered to.

The first point of contact for individuals whose data the school processes is the School Office Manager. However, individuals may contact the DPO direct. The DPO is first point

of contact for the ICO. Our DPO is Staffordshire County Council and contact details can be found in Appendix 2.

7.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis.

7.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the UK
 - If there has been a data breach
 - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
 - If they need help with any contracts or sharing personal data with third parties

8. Collecting personal data

Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

1. The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
2. The data needs to be processed so that the school can **comply with a legal obligation**
3. The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
4. The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
5. The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)

6. The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Whilst the majority of digital systems we use in school are to support the teaching and learning of our pupils, and therefore we have a legal basis for processing, there may be times that we use other tools. Where we offer such online services to pupils and we intend to rely on consent as a basis for processing, we will seek parental consent.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. We will take appropriate steps to ensure that the data held is accurate such as regular data verification exercises.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in line with the record of processing activities and the retention schedule as detailed in the [Information and Records Management Society's toolkit for schools](#).

9. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent if this is appropriate before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with UK data protection law
 - Establish a data sharing agreement where significant amounts of personal data or special category data is being shared with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data internationally including to the European Economic Area, we will do so in accordance with UK data protection law.

10. Accountability

Springcroft Primary School will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR.

The school will provide comprehensive, clear and transparent privacy policies. Records of activities relating to higher risk processing will be maintained, such as the processing of special categories data or that in relation to criminal convictions and offences.

Internal records of processing activities will include the following:

- Name and details of the organization
- Purpose(s) of the processing
- Description of the categories of individuals and personal data
- Retention schedules
- Categories of recipients of personal data
- Description of technical and organisational security measures
- Details of transfers to third countries, including documentation of the transfer mechanism safeguards in place.

The school will implement measures that meet the principles of data protection by design and data protection by default, such as:

- Data minimization
- Pseudo-anonymisation
- Transparency
- Allowing individuals to monitor processing
- Continuously creating and improving security features
- Data protection impact assessments will be used, where appropriate

11. Lawful processing

The legal basis for processing data will be identified and documented prior to data being processed. Under the GDPR, data will be lawfully processed under the following conditions:

The consent of the data subject has been obtained.

Processing is necessary for:

- Compliance with a legal obligation
- The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- For the performance of a contract with the data subject or to take steps to enter into a contract

- Protecting the vital interests of a data subject or another person
- For the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.
- Carrying out obligations under employment, social security or social protection law, or a collective agreement
- Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent
- The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity
- Reasons of substantial public interest which is proportionate to the aim pursued and which contains appropriate safeguards
- The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional
- Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring Primary standards of healthcare and of medicinal products or medical devices
- Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent
- Processing relates to personal data manifestly made public by the data subject.
- Sensitive data must not be kept for longer than necessary for its purpose.

12. Consent

Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

Where consent is given, a record will be kept documenting how and when consent was given.

The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.

Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR; however, acceptable consent obtained under the DPA will not be reobtained.

Consent can be withdrawn by the individual at any time.

The consent of parents will be sought prior to the processing of a child's data, except where the processing is related to preventative or counselling services offered directly to a child.

13. The right to be informed

The privacy notice supplied to individuals in regards to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge

If services are offered directly to a child, the school will ensure that the privacy notice is written in a clear, plain manner that the child will understand

In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice

The identity and contact details of the controller, and where applicable, the controller's representative and the DPO:

- The purpose of, and the legal basis for, processing the data
- The legitimate interests of the controller or third party
- Any recipient or categories of recipients of the personal data
- Details of transfers to third countries and the safeguards in place
- The retention period of criteria used to determine the retention period.

The existence of the data subject's rights, including the right to:

- Withdraw consent at any time
- Lodge a complaint with a supervisory authority.

The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences

Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement and the details of the categories of personal data, as well as any possible consequences of failing to provide the personal data, will be provided

Where data is not obtained directly from the data subject, information regarding the source the personal data originates from and whether it came from publicly accessible sources, will be provided.

For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.

In relation to data that is not obtained directly from the data subject, this information will be supplied:

- Within one month of having obtained the data
- If disclosure to another recipient is envisaged, at the latest, before the data are disclosed
- If the data are used to communicate with the individual, at the latest, when the first communication takes place.

14. The right of access - Subject access requests and other rights of individuals

Subject access requests

Individuals have a right to make a 'subject access request' (SAR) to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- Where relevant. The existence of the right to request rectification, erasure or restriction or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory body
- The safeguards provided if the data is being transferred internationally

Subject access requests should wherever possible be submitted in writing, either by letter, email or fax to the Headteacher or to the DPO. They should include:

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

If staff receive a subject access request they must immediately notify their line manager and the DPO.

The school will verify the identity of the person making the request before any information is supplied.

A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged

All fees will be based on the administrative cost of providing the information.

All requests will be responded to without delay and at the latest, within one month of receipt.

In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, the school will ask the individual to specify the information the request is in relation to.

Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide up to two forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within one calendar month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we cannot reasonably anonymise and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecast, negotiations, confidential references or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee in order to cover our administration costs.

A request is deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

15. Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

16. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request. This right applies up to the child's 18th birthday.

17. The right to rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified.

Where the personal data in question has been disclosed to third parties, the school will inform them of the rectification where possible.

Where appropriate, the school will inform the individual about the third parties that the data has been disclosed to.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

Where no action is being taken in response to a request for rectification, the school will explain the reason for this to the individual, and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

18. The right to erasure

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed
- The personal data is required to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child.

The school has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes
- The exercise or defence of legal claims

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Where personal data has been made public within an online environment, the school will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

19. The right to restrict processing

Individuals have the right to block or suppress the school's processing of personal data.

In the event that processing is restricted, the school will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

The school will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until the school has verified the accuracy of the data
- Where an individual has objected to the processing and the school is considering whether their legitimate grounds override those of the individual
- Where processing is unlawful and the individual opposes erasure and requests restriction instead
- Where the school no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim

If the personal data in question has been disclosed to third parties, the school will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

The school will inform individuals when a restriction on processing has been lifted.

20. The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services.

Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller
- Where the processing is based on the individual's consent or for the performance of a contract
- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form.

The school will provide the information free of charge.

Where feasible, data will be transmitted directly to another organisation at the request of the individual.

Springcroft Primary School is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual.

The school will respond to any requests for portability within one month.

Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, the school will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

21. The right to object

The school will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.

Individuals have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest
- Direct marketing
- Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task or legitimate interests:

- An individual's grounds for objecting must relate to his or her particular situation.
- The school will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the school can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- The school will stop processing personal data for direct marketing purposes as soon as an objection is received.
- The school cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.

Where personal data is processed for research purposes:

- The individual must have grounds relating to their particular situation in order to exercise their right to object.
- Where the processing of personal data is necessary for the performance of a public interest task, the school is not required to comply with an objection to the processing of the data.
- Where the processing activity is outlined above, but is carried out online, the school will offer a method for individuals to object online.

22. Data breaches

The school will make all reasonable endeavours to ensure that there no personal data breaches occur.

However, in the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

The term ‘personal data breach’ refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

The Headteacher will ensure that all staff members are made aware of, and understand, what constitutes as a data breach as part of their continuous development training.

Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.

All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of the school becoming aware of it.

The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual, the school will notify those concerned directly.

A ‘High risk’ breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.

In the event that a breach is sufficiently serious, the public will be notified without undue delay.

Effective and robust breach detection, investigation and internal reporting procedures are in place at the school, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.

Within a breach notification, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
- The name and contact details of the DPO
- An explanation of the likely consequences of the personal data breach
- A description of the proposed measures to be taken to deal with the personal data breach. Where appropriate, a description of the measures taken to mitigate any possible adverse effects

Failure to report a breach when required to do so will result in a fine, as well as a fine for the breach itself.

23. Data security

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access. These are only accessible by the Headteacher, Deputy Headteacher, and Clerical Assistant.

Confidential paper records will not be left unattended or in clear view anywhere with general access.

Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site.

Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.

Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.

All electronic devices are password-protected to protect the information on the device in case of theft.

Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.

Staff and governors will not use their personal laptops or computers for school purposes. Governors can use their personal devices to access GovernorHub (GDPR compliant) when in school via the schools secure, filtered and forensically monitored network. This works in conjunction with the schools Staff Code of Conduct Policy and Acceptable use of ICT Equipment Policy.

All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.

Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.

When sending confidential information by fax, staff will always check that the recipient is correct before sending.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.

Before sharing data, all staff members will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times.

The physical security of the school's buildings and storage systems, and access to them, is reviewed on a termly basis. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.

Springcroft Primary School takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action.

Staffordshire County Council is the school's designated Data Protection Officer and is responsible for seeing that continuity and recovery measures are in place to ensure the security of protected data.

24. Biometric recognition systems

Pupils

Note that in the context of the Protection of Freedoms Act 2012, a "child" means a person under the age of 18.

If we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Staff

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

25. CCTV

We may use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the **Site Manager/School Business Manager**.

26. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school. We have a legal basis for doing so for the purpose of identifying pupils. We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

Parents/students will not be permitted to take photographs or make videos other than for their own personal and domestic use. Such photographs and videos will not be shared publicly – e.g. via social media.

27. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)

- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Putting appropriate checks in place if we transfer any personal data outside the UK where no adequacy agreements are in place
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

28. Data retention

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

Data will not be kept for longer than is necessary. Children's data is stored for 14 years after they have left (or would have left) Year 6 (aged 11). Workforce data is stored for 6 years.

Unrequired data will be deleted as soon as practicable.

Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.

Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

29. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed **every two years** in accordance with [Department for Education's advice on statutory policies](#) and will be presented to the full governing board for approval.

Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the data protection lead person in the school/organisation, who will contact the DPO.
1. The DPO will assist in the investigation of the report and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
 2. The DPO will determine whether to alert the Head Teacher/Chair of Governors.
 3. The DPO will assist in making all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
 4. The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
 5. The DPO will determine whether the breach meets the threshold to be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms using the ICO's self-assessment tool.
 6. The DPO will ensure that the decision is documented (either way); in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on the school's computer system, or on a designated software solution.
 7. Where the ICO must be notified, the DPO will do this by telephone or via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach

- A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
8. If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
 9. The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact and ensure that any decision on whether to contact individuals is documented. If the risk is high, the DPO, or data protection lead will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out in plain language:
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
 10. The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
 11. The data protection lead person in School, with advice and/or support from the DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored on the school's computer system, or on a designated software solution.

- In the case of a significant breach, the DPO, headteacher or designated senior leader will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the data protection lead person as soon as they become aware of the error

- If the sender is unavailable or cannot recall the email for any reason, the data protection lead will ask the ICT department to recall it
- In any cases where the recall is unsuccessful, the data protection lead will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way.
- Written confirmation that the email has been deleted will be requested from all the individuals who received the data, confirming that they have complied with this request
- In the case of a serious breach, we will arrange for an internet search to be conducted to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted

Other types of breach that you might want to consider could include:

- Details of pupil premium interventions for named children being published on the school website
- Non-anonymised pupil exam results or staff pay information being shared with governors
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked
- The school's cashless payment provider being hacked and parents' financial details stolen

Appendix 2: Contacts

Tracey Thorley
Data Protection Officer
Information Governance Unit
Staffordshire County Council
1 Staffordshire Place
Stafford
ST16 2DH
dpo@staffordshire.gov.uk
01785 278314

Or contact the ICO:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
Fax: 01625 524510
<https://ico.org.uk/concerns>
ICO Live chat