

# **DATA PROTECTION POLICY**



**Woodcote Primary School**

**Reviewed 22<sup>nd</sup> May 2018**

## Contents

1. What is the purpose of this Policy?
2. Why do we collect and use data?
3. What data is covered by this policy?
4. What are the key principles and lawful reasons used to process data?
5. What personal data is collected?
6. What is meant by obtaining lawful consent?
7. Will personal data be shared?
8. How do we use photography and video?
9. Will personal data be published?
10. How long is personal data stored for?
11. Who is accountable for data protection?
12. How is personal data processed and protected?
13. What are your rights regarding your personal data?
14. What happens when there is a breach of your privacy?
15. How do you request access to view your personal data?
16. How do you raise a concern about the way we process personal data?
17. When will this policy be updated?

## **What is the purpose of this policy?**

Under data protection legislation, Woodcote Primary School is the data controller of the personal information we hold. The school designates the board of governors as its representative regarding the protection of data.

The postal address of the school is: Dunsfold Rise, Coulsdon CR5 2ED. For queries, please contact the school office on 020 8660 9972 or by email at [office@woodcoteprimary.croydon.sch.uk](mailto:office@woodcoteprimary.croydon.sch.uk)

Woodcote Primary School is required to keep and process personal information about its pupils, families and staff in accordance with its legal obligations. This information will be processed in accordance with the EU General Data Protection Regulation 2018 (GDPR).

Woodcote Primary School may, from time to time, be required to share personal information with other organisations, including the Local Authority (LA), Department for Education (DfE,) other schools, and relevant bodies who provide services to the school.

This policy will outline the legal framework, practices and processes used in Woodcote Primary School with regards to the proper collection, processing and retention of personal data we hold.

A summary of this Data Protection Policy is provided in our Privacy Notices which can be downloaded from the school's website <http://www.woodcoteprimary.croydon.sch.uk/> or are available on request from the school office.

This document is a working document and will be regularly updated, (at least once per year) to reflect changes in the working practices of the school. Please ensure that you access the most recent version of this document either through the website or by contacting the school office.

## Why do we collect and use data?

Woodcote Primary School is a four form entry primary school. The school is a Local Authority funded body. The school is required by law to comply with legislation including, but not limited to, the following:

- The Education (Pupil Information) (England) Regulations 2005 (amended 2016)
- The School Standards and Framework Act 1998
- The General Data Protection Regulation 2018 (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy will underpin all data processing activities within the school and makes reference to the following other the school policies:

- ICT Acceptable Use Policy
- ICT and Computing Policy
- Freedom of Information Policy
- Internet Access Policy

The school uses the information it holds in order to:

- Support the teaching and learning of pupils and staff
- Monitor and report on progress and achievement
- Provide appropriate care and safeguarding for pupils and staff
- Assess the quality of our service
- Comply with our legal obligations

## What data is covered by this policy?

The school recognises the following categories of data which are collected and processed by the school. This policy applies to both personal data held electronically and data stored in paper records in our filing systems. Personal data may be processed according to specific criteria, including chronologically ordered data and data which has been pseudonymised.

**Personal data** is information that relates to an identifiable, living individual, this can include information relating to online identity such as usernames or IP addresses.

**Sensitive personal data** is defined as a special category of personal data (refer to GDPR Article 9). This can include the processing of genetic data, biometric data and data concerning health matters. The school applies additional measures to protect and secure this type of data.

**Criminal convictions and offences** are another example of personal data, but which are not included under the category of sensitive personal data. The school applies additional safeguards to the processing of this data (refer to GDPR Article 10).

## What are the key principles and lawful reasons used to process data?

the school will ensure that all personal data is only ever collected, processed and stored according to the key principals identified in the GDPR to ensure that privacy and data security is embedded within the

culture of the organisation at all levels. The school recognises that personal data may only be processed lawfully, the lawful reasons used by the school are identified as follows:

- To allow the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller to carry out the duties of the school
- To protect the vital interests, health or wellbeing of an individual
- To comply with legal obligations
- To deliver a contract, or to take steps required to enter in to a contract
- To undertake other legitimate interests pursued by the Data Controller or a third party
- With the consent of the person concerned, which has been legally obtained

### **What personal data is collected?**

The school can collect and process the following personal data relating to pupils or their families:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth, religion, free school meal eligibility and photographs for identification
- Attendance information including absences and absence reasons
- Assessment information including National Curriculum assessment results and scores used to measure learning, development and progress
- Medical history and information relevant to health & wellbeing such as allergy information
- Information relating to identified Special Educational Need & Disability (SEND)
- Behavioural information including exclusions and incident reports
- Safeguarding information relating to protecting the safety or best interest of children including care and social services data, legal or judicial communications and information supplied by related agencies

The school can collect and process the following personal data relating to its employees and governors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Attendance information including absences and absence reasons
- Employment & Contractual information such as qualifications, criminal records checks, references, employment history, trade union membership, religion and financial data such as bank details & tax information
- Medical history and information relevant to health & wellbeing such as disability or allergy information
- Performance Management information such as appraisals or disciplinary records

The school can collect and process the following personal data relating to contractors and visitors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Employment & Contractual information such as qualifications, criminal records checks, references, employment history, trade union membership, religion and financial data such as bank details & tax information

## What is meant by obtaining lawful consent?

The school may identify additional uses of your data, which may be of benefit to your child or the school community. Examples may include optional extra-curricular activities, fundraising or promotional activities. We will always seek your consent before using your data for these reasons. If you give consent, you may change your mind at any time.

All requests for consent will be through paper consent forms, which may also be emailed.

## Will personal data be shared?

The school is legally obliged to share data about pupils and staff with the Department for Education (DfE). The DfE use this data for school funding and educational attainment policy and monitoring.

The DfE routinely request data throughout the year which include the School Census return and Early Years Census. To find out more about the pupil information we share with the DfE for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Some of this information is the stored on the National Pupil Database (NPD), which is permitted in law by the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD please go to: <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

The DfE may share information about pupils from the NDP with third parties who promote the education or wellbeing of children through research, providing information, advice or guidance.

To find out more about information about the DfE's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

The school will also share personal data with approved third parties or contractors in order to deliver its aims.

- Schoolcomms
- Sims
- Maths with Parents
- Tapestry
- SeeSaw
- ParentsEvening System
- Transfer of Schools
- Local Authority
- DfE
- Social Services
- Google Docs
- Payroll
- Cornerstones Curriculum
- Lexia

The information shared may include sensitive personal information such as information about health, special educational needs, or disabilities. This information is used to provide the correct services to support children, families or employees and is only shared on a strictly need to know basis in full compliance with individual's rights.

The school is required by law to check the identity and Criminal Record of all employees, governors and volunteers in order to safeguard children and staff.

The school will conduct checks using the Disclosure and Barring Service (DBS). In order to carry out these checks, it is required for authorised persons to share sensitive personal data with the DBS.

Personal Data will be processed by the DBS and the results of this processing provided to the school. You may review the privacy notices provided by the DBS for further information on the gov.uk website.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

## **How do we use photography and video?**

The school recognises that the recording images of identifiable individuals is a form of processing personal information which must be carried out in line with data protection requirements.

The school makes use of CCTV systems in order to provide enhanced security of the premises and to better safeguard the interests of pupils & staff.

We 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 School's Business Manager.

The school captures photographs of pupils, staff, contractors and visitors to our site for the purposes of identification and authorisation of access. These images may be further processed and linked to other information we hold such as emergency medical needs, or attendance records.

The school may use photography and video images for other explicit purposes. Full details of these purposes are outlined in our policy below:

As part of our school activities, we may take photographs and record images of individuals within our school.

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 to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in books, 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. See our parent e-safety and photography agreement for more information on our use of photographs and videos.

### **Will personal data be published?**

The school will not publish any personal data, including photos or images, in a public forum either online or in print without obtaining explicit consent in advance.

### **How long is personal data stored for?**

Personal data held by the school is stored and deleted according to our **Data Retention Policy**.

Personal data is not kept on a permanent basis and is only stored for as long as is necessary to fulfil its intended purpose. Personal data is deleted when it is no longer required. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also for example to enable the provision of references.

Paper documents will be shredded or securely disposed of, and electronic data scrubbed clean or permanently erased once the data is no longer required.

Please review our Data Retention Policy for further details of specific data items and their retention schedules.

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

Under data protection legislation, the school is the Data Controller of the personal data we hold.

The GDPR requires that the Data Controller shall be responsible for, and able to demonstrate, compliance with the principles outlined above. The school designates the Head Teacher as its representative with regards to data protection.

As a publicly funded body the Data Controller is required to appoint a Data Protection Officer (DPO).

The school has appointed OpenAIR Systems Ltd. as its DPO. The DPO can be contacted by email [dataprotection@openair.systems](mailto:dataprotection@openair.systems) or in writing OpenAIR Systems Limited, Unit 20 Capital Business Centre, Croydon, Surrey, CR2 0BS

The DPO has a range of responsibilities which support the school in meeting its obligations under GDPR. The DPO will act as a point of contact and adviser to the school, its employees and clients.

### **How is personal data processed and protected?**

The school ensures appropriate technical measures and processes are in place to protect data and privacy of individuals. The school defines comprehensive, understandable and transparent policies which give due regard to the protection & security of data. Policies underpin the culture and behaviours adopted by the school and outline our business processes and structure. All policies are reviewed on a regular basis to ensure they reflect the most up to date circumstances and any changes in working

practice. When reviewed, all policies are checked alongside this data protection policy to ensure a comprehensive and integrated approach to privacy is delivered.

The school maintains a Data Protection Audit as an internal record of all data processing activities carried out, and reviewed at least once per year to ensure the content is kept up to date. The audit includes full itemised details of each data processing activity, nature & categories of data, reasons for processing and the systems used to carry out the processing.

When introducing new systems or new ways of processing personal data, the school will conduct a Data Protection Impact Assessment (DPIA) in order to ensure proper integration and compliance with the law and our policies. Any new systems implemented by the school will ensure data protection is implemented by design and privacy enabled by default.

In order to ensure that data is protected, the school has identified the following measures which are implemented to minimise the risks involved in processing and storing information:

- Staff either save files on to the school server, or on encrypted USBs/OneDrive.
- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our policy on acceptable use)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

### **What are your rights regarding your personal data?**

The school recognises the rights of individuals with regards to our use of their personal data, a list of your rights are as follows:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object

The school will ensure that these rights are respected by ensuring that all our policies and processes regarding data processing and data storage are compatible with these rights.

In addition to the rights detailed above, individuals have further rights relating to the automated processing of their personal data.

We do not currently use automated decision making or profiling.

### **What happens when there is a breach of your privacy?**

The school will use practical & technical measures to protect personal data from loss or any other unauthorised alteration, disclosure, or access.

In the event of a breach of privacy as described above, the Head Teacher in consultation with the DPO, will take the following action:

- Assess the nature of the personal data breach, including the categories of data concerned and approximate number of individuals and records affected
- Identify if the breach is likely to result in any risk to the rights and freedoms of individuals. Risk of the breach having a detrimental effect on individuals, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis
- Report all notifiable breaches to the Information Commissioners Office within 72 hours of the school becoming aware of it
- If a breach is likely to result in a high risk to the rights and freedoms of an individual, the school will notify those individuals concerned directly and without undue delay

### **How do you request access to view your personal data?**

Under data protection legislation, any individual about whom Woodcote Primary School processes personal data (the Data Subject) has the right to request access to view the information that we hold about them. Requests for access to your personal information can be submitted in writing or verbally, this is known as a Subject Access Request (SAR). You may write a letter to the Head Teacher or submit an email a request to [woodcote.sars@openair.systems](mailto:woodcote.sars@openair.systems)

All requests, regardless of the format, will be recorded by sending the details to the DPO at the above address.

### **How do you raise a concern about the way we process personal data?**

If you have a concern about the way we collect or use your personal data, we invite you to raise the matter with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office:

By post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By telephone: 0303 123 113 or 01625 545 745, or online at <https://ico.org.uk/concerns>

### **When will this policy be updated?**

This policy will be reviewed at least once per year by the school.

This policy is a working document and can be updated to reflect changes in the working practices of the school at any time. Please ensure that you access the most recent version of this document either by downloading the current version the website or by contacting the school office.

The next scheduled review date for this policy is May 2020