

KEMBLE PRIMARY & SIDINGTON CE PRIMARY SCHOOLS



DATA PROTECTION & THE GENERAL DATA PROTECTION REGULATION (GDPR) POLICY

Member of staff responsible	Head teacher
Governor responsible	Chair of LGB & DPO
Date agreed with staff	May 2018
Date discussed with pupils	N/A
Parent group discussions	N/A
Date approved at Local Governing Body	
Frequency of policy review	Every 3 years
Date next review due	May 2021
Statutory Policy	Yes
Review Level	

Document Version Control

Issue Number	Issue Date	Summary of changes
1.1	May 2018	New policy due to new GDPR

We believe this policy should be a working document that is fit for purpose, represents our school values & ethos, enables consistency and quality across the schools and is related to the following legislation:

General Data Protection Regulations 2018.

The following documentation is also related to this policy:

Equality Act 2010: Advice for Schools (DfE);

Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office);

Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office.

We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making radical changes to many existing data protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We have the duty to ensure that we comply with this new regulation by considering the impact that the GDPR will have on the school and to ensure new policies and procedures are in place before the GDPR comes into effect.

We believe that we comply with the current DPA and we realise that many of the GDPR's main concepts and principles are much the same as those in the DPA but we are aware that there are new elements, significant improvements and a new accountability that we need to address for the first time. We understand that under the GDPR:

- data management is strengthened and unified;
- it will become illegal not to have a formal contract or service level agreement with a chosen data processor;
- the data processor must be GDPR compliant;
- there will be higher penalties for non-compliance with the GDPR;
- data breaches must be reported within 72 hours;
- individuals have greater control over their personal data.

We are committed to the protection of all personal and sensitive data for which we hold responsibility as the Data Controller. We believe the handling of such data is in line with the data protection principles and that access to such data does not breach the rights of the individuals to who it relates.

We acknowledge the GDPR's definition of personal data as 'meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier' such as name, identification number, location data or online identifier. It applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

At all times we ensure the principles of the DPA are applied and that all data is:

- processed lawfully;
- obtained and processed for specific and lawful purposes;
- sufficient, appropriate and not excessive in relation to the precise purpose;
- accurate and up to date;
- not kept for a great length of time;
- processed in agreement with the individual's legal rights;
- protected against unlawful processing, accidental loss, destruction or damage;
- not to be transferred outside the EU unless the rights and freedom of the individual is protected.

We have the responsibility to ensure that all changes to data protection legislation will be monitored and implemented in order to remain compliant with all requirements. All school personnel will be trained in order to be made aware of data protection policies and legal requirements. All contracted service providers will also be notified of our data protection policies and legal requirements.

In preparation for full compliance with the GDPR we have used the 12 step guidance from the Information Commissioner's Office in order to identify what changes we need to make.

The Schools data processing activities will be registered with the Information Commissioner's Office (ICO). The ICO will be notified of any changes to the type of data processing activities being undertaken and the register will be amended accordingly.

We are aware that the GDPR places greater emphasis on accountability and therefore the Data Protection Officer will keep up to date documentation of all data protection activities.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that is connected with this policy.

AIMS

- To ensure compliance with the GDPR.
- To strengthen and unify the safety and security of all data held within our schools.
- To ensure the protection of all personal and sensitive data for which we hold responsibility as the Data Controller.
- To ensure the handling of all personal and sensitive data is in line with the data protection principles.
- To undertake an audit of our schools' current position in preparation for the full implementation of and compliance with the GDPR.

RESPONSIBILITIES

Trustees & Local Governing Body (LGB) have:

- the responsibility to comply with the legal requirements of the new General Data Protection Regulation 2018 and any subsequent related data protection legal requirements;
- in accordance with the GDPR appointed a Data Protection Officer who has expert knowledge of data protection law and practices;
- the responsibility to ensure the DPO carries out their role (see below):
- delegated powers and responsibilities to the Head teacher:
 - as 'Data Controller' for the School;
 - to prepare for compliance with the GDPR which includes following the 12 step guidance from the Information Commissioner's Office in order to identify what changes that we need to make to the current data protection system;
 - ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring this policy is maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- nominated a link governor to:
 - visit the school regularly;
 - work closely with the Head teacher;
 - ensure this policy is up to date;
 - comment on the report to the trustees on the success and development of this policy;
 - provide assistance and support to the DPO as and when required.

The Head teacher will:

- act as 'Data Controller' for the School;
- ensure compliance with the GDPR which includes following the 12 step plan in accordance with the advice from the Information Commissioner's Office (10 areas of need):

1. Awareness

- organise awareness training, to ensure all School personnel and governors are fully aware of the current data protection legal requirements and this Policy.
- To organise data protection related refresher training for all school personnel and governors when necessary.

2. Information we hold

- organise an information audit of data held on pupils, school personnel, parents, governors/trustees and suppliers.
- The audit will be undertaken under the following headings:
 - Description of data.
 - Purpose of data
 - Personal data
 - Original source
 - Form of data collected
 - Storage of data collected
 - What copies are there?
 - Reason for holding data
 - Consent gained
 - Who is the custodian?
 - Who is it shared with?
 - Is the consent shared?
 - The retention period
 - Disposal

3. Communicating Privacy Information

- As and when required, review all applicable privacy notices, ensuring they remain in line with any regulatory change and guidance relating to data protection.

4. Individuals' Rights

- To ensure procedures are updated in a timely manner to ensure they cover all the rights of individuals have including but not limited to:
 - how to delete personal data; and
 - how to provide data electronically in a commonly used format.

5. Subject Access Requests

- To ensure School procedures relating to the handling of Subject Access Requests are reviewed annually or if there are any changes to regulations and guidance, sooner, and updated accordingly.

6. Legal basis for protecting personal data

- To review the various types of data processing that the School carries out and then identify and document the legal basis for carrying it out.

7. Consent

- To ensure the School's procedures regarding seeking, obtaining and recording consent are reviewed annually and are updated in accordance with changes to regulations and guidance.

8. Data breaches

- To ensure the right procedures are in place to detect, report and investigate a personal data breach.

9. Data protection by design and data protection impact assessments

- To consider when to begin implementation of the Privacy Impact Assessments.

10. Data Protection Officers

The Data Protection Officer has a responsibility for data protection compliance, to assist the Data Controller to monitor internal compliance, inform and advise on your data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority

THE ROLE OF THE DPO:

The Data Protection Officer will:

- have knowledge of data protection law and practices;
- ensure data management is strengthened and unified;
- monitor compliance with the GDPR and other data protection laws;
- ensure risk and impact assessments are conducted in accordance with ICO guidance;
- report data breaches within 72 hours;
- conduct audits
- be the first point of contact for supervisory authorities and for individuals whose data is processed
- work closely with the Headteacher and link governor – this may include reporting.

ROLE OF SCHOOL PERSONNEL

School personnel will:

- attend GDPR awareness training;
- comply with all aspects of this policy and the GDPR;
- be aware of all other linked policies.

ROLE OF PARENTS/CARERS

Parents/carers will:

- comply with all aspects of this policy;
- be aware of all other linked policies.

RAISING AWARENESS OF THIS POLICY

We will raise awareness of this Policy via:

- the school website;
- meeting with school personnel;
- communications with home such as school newsletters
- reporting to the trustees

MONITORING THIS POLICY

The practical application of this policy will be reviewed annually or when the need arises by the DPO, the Head teacher or the linked governor.