



Data Protection Policy

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1. Policy Introduction and Aim

The Trust 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 General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

Personal data is any personally identifiable information, so this includes:

- employee data
- client data
- Any other personal data processed by the Trust

Examples of personal data which the Trust processes include:

- Names, addresses, emails, phone numbers and other contact information;
- Financial information;
- National insurance numbers and payroll data;
- CCTV images and photographs, video and audio recordings.

Certain types of data are identified as sensitive or "special category" and attract additional legal protection. Sensitive personal data is any data that could identify a person together with information about their:

- racial or ethnic origin;
- Political opinions;
- Religious beliefs or other beliefs of a similar nature;
- Membership of a trade union;
- Physical or mental health or condition;
- Sexual life;
- Commission or alleged commission of any offence;
- Information about any proceedings for any offence committed or alleged to have been committed or disposal of such proceedings or the sentence of a court in such proceedings.

2. Legislation and Guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

The Trust is registered with the ICO.

3. Data Protection Principles

The GDPR is based on data protection principles that our school must comply with. The principles say that personal data must be:

- **Principle 1:** Processed lawfully, fairly and in a transparent manner in relation to individuals ('lawfulness, fairness and transparency').

- **Principle 2:** 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 ('purpose limitation').
- **Principle 3:** Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation').
- **Principle 4:** 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.
- **Principle 5:** 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 ('storage limitation')
- **Principle 6:** 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 ('integrity and confidentiality').

Personal data and sensitive personal data must not be used other than for specific purposes. The data subject should always know that their data is being processed and the purpose. This information is provided in our Privacy Policies. When that data is sensitive, for example health information, consent is required before the data can be processed by the Trust.

All data collected from young people under the age of 16 (unless there are concerns about mental capacity in which case this should be extended), is not classed as sensitive personal data but should be treated as sensitive personal data.

A record incorporating personal data can be in computerised and/or manual form. It may include such documentation as:

- Manually stored paper data e.g. employee records.
- Hand written notes.
- Letters to and from the Trust / Our Schools.
- Electronic records.
- Printouts.
- Photographs.
- Videos and tape recordings.

Backup data (i.e. archived data or disaster recovery records) is also subject to the Legislation. A search in backup data should only be conducted if specifically asked for by the data subject.

4. 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 (article 6 of the GDPR):

- **Contract:** 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
- **Legal obligation:** The data needs to be processed so that the school can comply with the law
- **Vital interests:** The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- **Public interest:** 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
- **Legitimate interests:** 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)
- **Consent:** The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent for you to process their personal data for a specific purpose.

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. We will normally only process special category personal data under the following legal grounds:

- Where the processing is necessary for employment law purposes e.g. in relation to sickness absence;
- Where the processing is necessary for reason of substantial public interest e.g. equality of opportunity and treatment;
- Where the processing is necessary for health or social care purposes e.g. in relation to pupils with medical conditions or disabilities; and
- Where none of the above apply then we will seek the consent of the data subject to the processing of their special category data.

We will inform data subjects of the above matters by way of appropriate Privacy Notices which shall be provided to them when we collect the data or as soon as possible thereafter, unless we have already provided this information such as the time when a pupil joins us.

5. Roles and Responsibilities

Maintaining confidentiality and adhering to Data Protection Legislation applies to everyone at the Trust. Advance Trust will take necessary steps to ensure that everyone managing and processing personal data understands that they are responsible for following good data protection practice. Employees will receive training and sign this policy every twelve months as part of their induction.

All employees, and volunteers and sub-contractors/associates have a responsibility to:

- Observe all guidance and codes of conduct in relation to obtaining, using and disclosing personal data and sensitive personal data;
- Obtain and process personal data and sensitive personal data only for specified purposes;
- Only access personal data and sensitive personal data that is specifically required to carry out their activity or work;
- Record data correctly in both manual and electronic records;
- Ensure any personal data and sensitive personal data held is kept secure;

- Ensure that personal data and sensitive personal data is not disclosed in any form to any unauthorised third party;
- Ensure personal data and sensitive personal data is sent securely; and
- Read and sign this policy, raising any questions to check understanding.

All Managers are responsible for:

- Determining if their operational area holds personal data and sensitive personal data and ensuring that the data is adequately secure, access is controlled and that the data is only used for the intended purposes(s);
- Providing clear instructions to their teams about data protection requirements and measures;
- Ensuring personal and sensitive personal data is only held for the purpose intended;
- Ensuring personal and sensitive personal data is not communicated or shared for non authorised purposes; and
- Ensuring personal and sensitive personal data is encrypted when transmitted or appropriate security measures are taken to protect when in transit or storage.

Our Data Protection Officer is Richard Morley (DPO@advancetrust.org). Responsibilities include:

- Ensuring compliance with legislation principles;
- Progressing the Data Protection Action Plan;
- Reporting on any breaches of Data Protection Legislation;
- Providing guidance and advice to employees in relation to compliance with legislative requirements;
- Auditing data protection arrangements continually;
- Ensuring those handling personal data are aware of their obligations by producing relevant policy, auditing the arrangements and ensuring relevant people receive training.

In the Data Protection Officer's absence, general information can be found at www.ico.gov.uk/

If you suspect all Staff are responsible for 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 European Economic Area
- 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

Head Teacher

The Head Teacher acts as the representative of the data controller in their respective academy on a day-to-day basis.

Responsibility of the Trust Board.

The Trust Board has overall responsibility for data protection within Advance Trust. Advance Trust has a duty to ensure that the requirements of the Legislation are upheld. The Trust and our Schools rely on each of its employees and sub-contractors/associates to help in ensuring secure systems are in place to protect personal data. Please let us know if you see or foresee any problems.

The Information Commissioner Office (ICO) – The Information Commissioner’s Office is responsible for overseeing compliance e.g. investigating complaints, issuing codes of practice and guidance, maintaining a register of data protection officers. Any failure to comply with the Legislation may lead to an investigation by the ICO which could result in serious financial or other consequences for the Trust.

6. 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.

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 accordance with the [Information and Records Management Society’s \(IRMS\) Toolkit for Schools adopted DfE best practice.](#)

7. 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 as necessary 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 data protection law
 - Establish a data sharing agreement 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, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders

- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

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 to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

8. Subject access requests and other rights of individuals

Subject Access Requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust / 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

Subject access requests must be submitted by e-mail to the DPO (DPO@advancetrust.org). 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 forward it to the DPO (DPO@advancetrust.org).

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.

9. Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 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
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be 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.

10. Rights of Individuals

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
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- 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.

Parental requests to see educational records

Whilst the ICO website states there is no legal right to access your child's educational record as our schools are academies, the decision to grant access will be assessed on a case by case basis by the Trust.

11. Video recording, CCTV and photography

CCTV

We use CCTV in various locations around our School sites 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.

Photographs and videos

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.

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 only accompany them with the child's first name.

12. Data Protection Measures

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
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our Trust and School 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

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- If staff are using a personal device to access or process work related data the device must be encrypted, it must have up to date antivirus and anti-malware software. Encryption passwords must be complex and contain numbers, letters and where allowed contain special characters ie ? or £.
- Personal devices must be regularly updated with system security updates and patches to ensure that danger from software vulnerabilities are minimized.
- All devices must be set to automatically lock after a short period of non-use.
- The personal device should not be used to access or process work related data when connected to a public Wi-Fi network i.e. coffee shop, airport etc or where the integrity of the network cannot be guaranteed.
 - All USB data drives used for transportation of work-related data must be encrypted. The drive must only contain the minimum of content and not be used as a main data storage device.
- Mobile telephones that are used to connect to the Advance Trust Office 365 App must have suitably complex password or Biometric access protection.
- 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 academy office
- 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.
- 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)

13. Disposal of records

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

14. Dealing with a data breach

If a data breach is anticipated or identified, the person who identifies the actual or potential breach should immediately. The Trust may have an obligation to inform the ICO within 72 hours:

- Notify the relevant department manager by telephone or in person
- Notify the Data Protection Officer by telephone or in person
- Complete and return a breach report available from the Data Protection Officer.

This must be done whether the breach is identified inside or outside working hours

The school will make all reasonable endeavours to ensure that there are no personal data breaches. All staff will receive training at induction and will sign an agreement to confirm that they understand our data protection procedures.

In the unlikely event of a suspected data breach, we will follow the procedure set out in Appendix 2.

15. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

Appendix 1: Definitions

Term	Definition
Personal Data	<p>Any information relating to an identified, or identifiable, individual. Which is stored electronically, on a computer, or in certain paper-based filing systems.</p> <p>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
Special categories of personal data	<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 • Health – physical or mental • Sexual orientation
Processing	<p>Any activity that involves use of the data. It includes collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual. Processing also includes a transferring personal data to third parties.</p>
Data Subject	<p>The identified or identifiable individual whose personal data is held or processed. This includes pupils, our workforce, staff and other individuals. A data subject need not be a UK national or resident.</p>
Data Controller	<p>A person or organisation that determines the purposes and the means of processing of personal data. They are responsible for establishing practices and policies in line with the Data Protection Legislation.</p>
Data Processor	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
Data Users	<p>Are those of our workforce (including Governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.</p>
Personal Data Breach	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data.</p>

Appendix 2: Personal Data Breach Procedure

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

1. On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO (Richard Morley by e-mail at DPO@advancetrust.org)
2. The DPO will investigate 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
3. The DPO will alert the School Head Teacher and the Chair of the Trust Board
4. The DPO will make 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)
5. The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
6. The DPO will work out whether the breach must 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, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned
7. If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.
8. The DPO will document the decision (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 Trust central servers.
9. Where the ICO must be notified, the DPO will do this 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

10. 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.
11. The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - 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.
12. 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.
13. 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)
14. The DPO and Head Teacher will meet (as soon as reasonably possible) to review what happened and how it can be stopped from happening again.

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 DPO as soon as they become aware of the error.
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it
- In any cases where the recall is unsuccessful, the DPO 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.
- The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request.
- The DPO will carry out an internet search 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.