



GREAT ORTON PRIMARY SCHOOL

GENERAL DATA PROTECTION REGULATIONS

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J Robertson Headteacher

LThorpe Chair of Governors

STATEMENT OF INTENT

Great Orton Primary School is committed to protecting the rights and privacy of individuals in accordance with its legal obligations under the General Data Protection Regulation (GDPR). Great Orton Primary School is registered with the Information Commissioner's Office as a Data Controller.

Great Orton Primary School is required to keep and process certain information about its staff, students, and other stakeholders for various purposes including:

- To support student learning;
- To monitor and report on student progress;
- To provide appropriate pastoral care;
- To assess the quality of our services;
- To ensure we operate efficiently and effectively;
- To recruit and pay staff;
- To collect fees;
- To comply with legal obligations to funding bodies and the government;
- To enable financial modelling and planning;
- To develop a comprehensive picture of the workforce and how it is deployed.

Great Orton Primary School may be required to share personal information about its students or staff with other schools, organisations, the LA and social services.

This policy applies to computerised systems and manual records, where personal information is accessible by specific criteria, chronologically or as pseudonymised data, e.g. key-coded. It also applies to photographs, audio and video systems.

LEGAL FRAMEWORK

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

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

This policy also has 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'

DEFINITIONS

'Personal data' refers to any information that relates to an identifiable, living individual ('data subject'). This could include information such as names, addresses, telephone numbers, photographs, expressions of opinion about an individual, or an online identifier (for example an IP address or roll number).

'Special categories of personal data' refers to information which is broadly the same as 'sensitive personal data' previously referred to in the Data Protection Act (DPA) 1998. This includes biometric data, ethnicity, religious beliefs, data concerning health matters and actual or alleged criminal activities.

'Processing' refers to any operation which is performed on personal data such as: collection, recording, organisation, storage, alteration, retrieval, use, disclosure, dissemination or otherwise making available, combination, restriction, erasure or destruction.

'Data Controller' refers to any individual or organisation who controls personal data, in this instance Great Orton Primary School.

'Data Subject' refers to an individual who is the subject of the personal data, for example:

- Employees (current and former),
- Students (including former students),
- Recruitment applicants (successful and unsuccessful),
- Agency workers (current and former),
- Casual workers (current and former),
- Contract workers (current and former),
- Volunteers (including governors) and those on work placements,
- Claimants.

COMPLIANCE

Compliance with this policy is the responsibility of all the members of Great Orton Primary School who process personal data (including directors and governors). Any breach of this policy will result in disciplinary procedures being invoked. A serious or deliberate breach could lead to dismissal.

Personal information will only be shared where it is lawful to do so and the third party agrees to abide by this policy and complies with the principles of the GDPR.

This policy will be updated, as necessary, to reflect best practice in data management, security and control and to ensure compliance with any change or amendment to the GDPR and any other relevant legislation.

PRINCIPLES

In accordance with the requirements outlined in article 5 of the GDPR (data protection principles), personal data will be:

1. Processed lawfully, fairly and transparently.
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary.
4. Accurate and, where necessary, kept up-to-date; ensuring that inaccurate personal data is erased or rectified without delay.
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;
6. Processed in a manner that ensures appropriate security, including protection against unauthorised or unlawful processing, accidental loss, destruction or damage.

Great Orton Primary School will only process personal data in accordance with individuals' rights and will comply with article 5 of the GDPR in the following ways:

- a) By making all reasonable efforts to ensure that individuals who are the focus of the personal data (data subjects) are informed of the identity of the data controller; the purpose of the processing; any disclosures to third parties that are envisaged; an indication of the period for which the data will be kept, and any other information which may be relevant.
- b) By ensuring that the reason for which the personal data was originally collected is the only reason for which it is processed, unless the individual is informed of any additional processing before it takes place.
- c) By not seeking to collect any personal data which is not strictly necessary for the purpose for which it was obtained. Forms for collecting data will always be drafted with this in mind. If any irrelevant data is given by individuals, it will be destroyed immediately.
- d) By reviewing and updating personal data on a regular basis. It is the responsibility of the individuals giving their personal data to ensure that this is accurate.
- e) By undertaking not to retain personal data for longer than is necessary to ensure compliance with the legislation, any other statutory requirements and will undertake a regular review of the information held. By disposing of any personal data in a way that protects the rights and privacy of the individual concerned.
- g) By ensuring appropriate technical and organisational measures are in place against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of data.

Personal data may be stored for longer periods and may be processed solely for archiving in the public interest, scientific or historical research, or statistical purposes.

ACCOUNTABILITY

Great Orton Primary School is the registered Data Controller with the Information Commissioner's Office (ICO) and is responsible for controlling the use and processing the personal data it has collected. Great Orton Primary School will implement measures to

demonstrate that data is processed in line with the principles set out in this policy. This will include:

- Providing comprehensive, clear and transparent privacy notices
- Using data protection impact assessments (DPIA), where appropriate
- Recording activities relating to higher risk processing, such as the processing of special categories of personal data

The privacy notices explain how Great Orton Primary School will share personal data with third parties. This will only occur following consent from the Data Protection Officer (DPO). The sharing of personal data is generally limited to enabling the school to perform its statutory duties or in respect to a child's health, safety and welfare.

Internal records of processing activities will include the following:

1. Name and details of the organisation
2. Purpose(s) of the processing
3. Description of the categories of individuals and personal data
4. Retention schedules
5. Categories of recipients of personal data
6. Description of technical and organisational security measures
7. Details of transfers to third countries, including documentation of the transfer mechanism safeguards in place

Individuals who provide personal data to Great Orton Primary School are responsible for ensuring that the information is accurate and up-to-date.

DATA PROTECTION OFFICER (DPO)

The DPO for Great Orton Primary School will be the School Administrator. They will:

- Inform and advise Great Orton Primary School staff about their obligations under this policy (including recognising a subject access request, data security and off site use).
- Ensure everyone is aware of, and understands, what constitutes a data breach.
- Liaise with any external data controllers engaged with Great Orton Primary School.
- Be the point of contact with the ICO, co-operate with any requests and ensure that Great Orton Primary School's notification is kept accurate.
- Maintain an up-to-date knowledge of data protection law in relation to schools.

LAWFUL PROCESSING

Personal data will be lawfully processed under the following conditions:

- The consent of the data subject has been obtained.
- 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.
- 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.

Special categories of personal data will be lawfully processed under the following conditions:

- Explicit consent of the data subject has been obtained, 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.
- 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 on the basis of Union or Member State law 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 high 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).

We collect and use workforce information for general purposes under paragraphs 9.1c and 9.2g of this policy which complies with Articles 6 and 9 of the GDPR. Under any other circumstances the legal basis for processing data will be identified and documented prior to data being processed.

CONSENT

It is not always necessary to gain consent before processing personal data but when it is, consent must be a positive indication. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes (it cannot be inferred from silence, inactivity or pre-ticked boxes). Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent can be withdrawn by the individual at any time.

Any forms used to gather personal data will be provided with a privacy notice and will indicate whether or not the individual needs to give consent for the processing. A record will be kept documenting how and when consent was given.

If an individual does not give their consent for the processing and there is no other lawful basis on which to process the data, then Great Orton Primary School will ensure that the processing of that data does not take place.

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.

Parental consent 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.

THE RIGHT TO BE INFORMED

Privacy notices regarding the processing of personal data will be concise, written in clear, accessible language and be free of charge.

In relation to data obtained both directly and indirectly from the data subject, the following information will be supplied within the privacy notice:

1. The identity and contact details of the controller and the DPO.
2. The purpose of, and the legal basis for, processing the data.
3. The legitimate interests of the controller or third party.
4. Any recipient or categories of recipients of the personal data.
5. Details of transfers to third countries and the safeguards in place.
6. The retention period or criteria used to determine the retention period.
7. The existence of the data subject's rights, including the right to withdraw consent at any time and to lodge a complaint with a supervisory authority.
8. 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 at the time of collection.

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. 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.

THE RIGHT TO ACCESS

Individuals have the right to obtain confirmation that their data is being processed or to submit a subject access request (SAR) to gain access to their personal data held by Great Orton Primary School. All requests will be responded to within one month of receipt.

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

Where a fair processing request is made the information contained within the relevant privacy notice will be provided.

Where a SAR is made copies of personal data will generally be encrypted and supplied to the individual in a commonly used electronic format.

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.

In the event that a large quantity of information is being processed the individual may be requested to specify the information the request is in relation to. Where a request is excessive or repetitive, a 'reasonable fee' will be charged. All fees will be based on the administrative cost of providing the information.

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

THE RIGHT TO RECTIFICATION

Personal data held by Great Orton Primary School will be as accurate as is reasonably possible. Individuals are entitled to have any inaccurate or incomplete personal data rectified. Where an individual informs the school of inaccurate or incomplete personal data their data record will be updated as soon as is practicable. A printout of a child's personal data record held on the school's information management system will be provided to parents every twelve months so they can check its accuracy and make any amendments.

Where the personal data has been disclosed to a third party, the school will inform them of any rectification where possible. The individual will also be informed about the third parties that the data has been disclosed to where appropriate.

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, Great Orton Primary 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.

THE RIGHT TO ERASURE

Individuals have the right to request erasure of personal data. This applies where:

- a) Personal data is no longer necessary for the purpose for which it was collected/processed.
- b) Withdrawal of consent and no other legal ground applies.
- c) The individual objects to the processing and there is no overriding legitimate interest.
- d) Personal data is unlawfully processed.
- e) Personal data has to be erased in order to comply with a law.
- f) Personal data of a child is processed in relation to an online service.

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

1. To exercise the right of freedom of expression and information
2. To comply with a legal obligation for the performance of a public interest task or exercise of official authority
3. For public health purposes in the public interest
4. For archiving purposes in the public interest, scientific research, historical research or statistical purpose

5. The exercise or defence of legal claims

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.

THE RIGHT TO RESTRICT PROCESSING

Individuals have the right to restrict 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:

1. Where an individual contests the accuracy of the personal data, processing will be restricted until the school has verified the accuracy of the data
2. Where an individual has objected to the processing and the school is considering whether their legitimate grounds override those of the individual
3. Where processing is unlawful and the individual opposes erasure and requests restriction instead
4. 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.

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 moved, copied or transferred from one IT system 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

Great Orton Primary School will respond to any requests for portability within one month and will provide the personal data free of charge and in a structured and commonly used form. Where feasible, data will be transmitted directly to another organisation at the request of the individual.

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

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 receipt of the request.

Where no action is being taken in response to a request Great Orton Primary School will, and at the latest within one month, explain the reason for this. The individual will also be informed of their right to complain to the supervisory authority and to a judicial remedy.

THE RIGHT TO OBJECT

Great Orton Primary School will inform individuals of their right to object at the first point of communication. This information will be outlined in privacy notices.

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 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, Great Orton Primary School is not required to comply with an objection to the processing of the data.

DATA PROTECTION IMPACT STATEMENTS (DIPA)

A Data Protection Impact Statement will be completed prior to any changes are made to the way the school uses personal data, for example, moving to a new IT system, a merger of two or more school. The DIPA will identify any potential risks to the data and ensure things are put in place to mitigate. The guidance from the ICO will be followed when completing the DIPA

Where a DPIA indicates high risk data processing, Great Orton Primary School will consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

DATA BREACHES

The term 'data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. 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 Great Orton Primary 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, Great Orton Primary 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, which will guide 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:

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

DATA SECURITY

Great Orton Primary School undertakes to ensure the security of the personal data it has collected. Personal data will only be accessible to those who have a valid reason for using it. All the members of Great Orton Primary School (including governors) are responsible for ensuring that any personal data they hold is kept secure and not disclosed to any unauthorised third party. Confidential paper records will not be left unattended or in clear view anywhere with general access. They will be kept secure in a locked filing cabinet, drawer or safe, with restricted access.

Physical measures

- a) Premises security measures, such as alarms, safes, deadlocks, are in place.
- b) Disks, tapes and printouts are locked away securely when not in use.
- c) Visitors to Great Orton Primary School are required to sign in and out, wear identification badges and are, where appropriate, accompanied.
- d) Premises security and storage systems is reviewed on a regular basis. If an increased risk in vandalism/theft is identified, extra measures to secure data storage will be put in place.

Technical measures

- a) Security software is installed on the school networks and electronic devices. This includes:
 - Internet filtering and firewall, Anti-virus, Email and ransom ware detection
- b) Data on the school network drives is password protected and automatically backed up offsite. There are procedures in place to access and restore all the data held on the school network drives should this be necessary.
- c) Users are given a secure user name and password to access the school networks
- d) Users will be assigned a clearance that will determine which files are accessible to them. Protected files are not accessible to unauthorised users.
- e) Removable storage devices (such as USB sticks) can be used to hold personal data under the following conditions:
 - It **must** be password protected;
 - It **must** be stored in a secure and safe place when not in use;
 - It **must not** be accessed by other users (e.g. family members) when out of Great Orton Primary School.
 - Personal data **must** be securely deleted when no longer required.
- f) Data breach detection tests will be undertaken to evaluate Great Orton Primary School technical measures and minimise the chance of a data breach.

Organisational measures

- a) Paper records containing personal data **must not** be left unattended or in clear view anywhere with general access.
- b) Paper records and removable storage devices **must** be stored in a secure and safe place that avoids physical risk, loss or electronic degradation (exercise books, subject/project folders and worksheets can be stored in classrooms).
- c) Paper records containing personal data **must** be kept secure if they are taken off the school premises.
- d) Users **must** sign an acceptable user policy prior to being given access to the school network.
- f) Staff user names and passwords **must not** be shared.
- g) School electronic devices (such as staff computers) that are used to access personal data **must** be locked even if left unattended for short periods.
- h) Computer terminals that show personal data **must** be placed so that they are not visible except to authorised staff.
- j) Circular emails **must** be sent blind carbon copy (bcc) to prevent email addresses being disclosed to other recipients.
- k) Visitors **must not** be allowed access to personal data unless they have a legal right to do so or consent has previously been given.
- l) Visitors to the school premises containing special categories of personal data **must** be supervised at all times.
- m) Personal data **must not** be given over the telephone unless you are sure of the identity of the person you are speaking to and they have the legal right to request it.
- n) Personal data **must not** be disclosed to any unauthorised third parties.
- o) Personal electronic devices **must** be password protected and have up-to-date, active antivirus and anti-malware checking software before being used to access personal data belonging to Great Orton Primary School:
- p) Personal electronic devices that have been set to automatically log into the school network, school email accounts that are lost or stolen **must** be reported to the DPO so that access to these systems can be reset.

- s) If personal data is taken off Great Orton Primary School premises, in electronic or paper format, extra care **must** be taken to follow the same procedures for security. The person taking the personal data off the school premises **must** accept full responsibility for data security.
- t) Before sharing personal data, Great Orton Primary School staff and Governors **must** ensure:
- They are allowed to share it;
 - That adequate security is in place to protect it;
 - Who will receive the personal data has been outlined in a privacy notice.
- u) Any personal data archived on disks **must** be kept securely in a lockable cabinet.

IT END OF LIFE

The school has legal obligations to ensure that all computers, IT equipment, mobile phones, tablets and data storage media including data and software held on such equipment is disposed of safely, securely and legally.

PUBLICATION OF INFORMATION

Great Orton Primary School has a publication scheme on its website outlining classes of information that will be made routinely available, including:

- Policies and procedures

Classes of information specified in the publication scheme are made available quickly and easily on request.

CCTV AND PHOTOGRAPHY

Great Orton Primary School may occasionally use photographs/videos of students in a publication, such as the school website, prospectus, press release, or record a school play. Prior to the publication of any photograph or video of students in the press, social media, school website and prospectus or in any other marketing or promotional materials, written consent will be sought from parents.

DATA RETENTION

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former students or employees may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. Paper documents containing personal data will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained. Details of retention periods are given in the retention schedule.

DATA DISPOSAL

Great Orton Primary School will comply with the requirements for the safe destruction and deletion of personal data when it is no longer required. Paper documents containing personal data will be shredded or disposed of. Hard drives of redundant PCs and storage devices containing personal data will be securely wiped clean before disposal, or if that is not possible, physically destroyed. The DPO will retain a Destruction Log of personal data that is disposed of. This will include the document description, classification, date of destruction, method and authorisation.

DBS DATA

DBS information is treated as a special category of personal data under this policy. DBS information will never be duplicated and any third parties who have lawful access to DBS information will be made aware of their GDPR responsibilities.

THE SECURE TRANSFER OF DATA

Great Orton Primary School is required to share personal information with the Department for Education (DfE), Education and Skills Funding Agency (ESFA), Cumbria County Council (CCC), Ofsted, schools and educational institutions, public services and other third party providers. These are outlined in the privacy notices

Great Orton Primary School users must not remove, copy or share any personal data with a third party without permission from the DPO.

Where personal data is required to be lawfully shared with a third party it must be securely transferred either through a portal or be sent following encryption, using approved encryption software, and be password protected. No personal data will be transferred to a country outside the European Economic Area (EEA) without the explicit consent from the individual. Advice must be taken from the DPO.

ENQUIRIES

Any further information, questions or concerns about this policy or the security of data held by Great Orton Primary School should be directed to the DPO or to the Headteacher:

General information about the GDPR can be obtained from the Information Commissioner's Office <http://www.ico.gov.uk/>.