SOUTH WILTS GRAMMAR SCHOOL

DATA PROTECTION POLICY

1. School aims

South Wilts is a progressive grammar school which aims to maintain high academic standards and cultural achievement within a caring environment. We seek to encourage responsibility and personal fulfilment so that students attain their maximum potential. The School is dynamic and works with the community to prepare its students for life-long learning and adult independence.

South Wilts Grammar School values and respects all students equally and aims to provide equality of opportunity wherever possible.

South Wilts is committed to safeguarding and promoting the welfare of children. The school fulfils its responsibilities as laid out in the following key documents: Working Together to Safeguard Children, Keeping Children Safe in Education and the procedures of the Safeguarding Vulnerable People Partnership.

Safeguarding links/ risks associated with this policy: Data Protection should not be a barrier for the school to carry out its safeguarding and child protection duties. The retention period for Child Protection and Safeguarding records is set out in our Records Retention Policy (as stated in section 18 of this policy). Child Protection records are also passed on to schools when students transfer between institutions.

The Trustees and Senior Leadership Team (SLT) of South Wilts Grammar School are committed to ensuring that all personal data collected is processed in accordance with all relevant data protection laws including the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

The school are registered as a data controller with the Information Commissioner.

The details of the school's Data Protection Officer can be found at paragraph 2.2.

2. Scope

This policy applies to anyone who has access to data and/or is a user of school ICT systems, both in and out of the school, including staff, trustees, students, volunteers, parents / carers, visitors, contractors, and other community users.

This policy is also intended to serve as the appropriate policy document for the processing of Special Category Data and Criminal Record Data (where applicable).

This policy applies to all personal data for which the school is the Data Controller, regardless of whether it is in paper or electronic format.

3. Distribution

The policy is available on the school Organisation website and in hard copy from the finance office.

4. Definitions

Personal data - Any combination of data items which could identify a living person and provide specific information about them, their families or circumstances. The term covers both facts and opinions about an individual. The school may process a wide range of personal data of staff (including trustees and volunteers) students, their parents or guardians as part of its operation. A non-exhaustive list of examples of the types of personal data that we process may be found in our Privacy Notices.

Special category personal data - Formerly known as "sensitive personal data", Special Category Data is information that might not necessarily identify a person, but is a lot more sensitive to that person. These are:

- racial or ethnic origin
- political opinions
- religious / philosophical beliefs
- trade union membership
- genetic data
- biometric data (for identification purposes)
- health data (mental and physical)
- sex life or sexual orientation

Examples of the types of special category data we process can be found at Appendix 1. Our Record of Processing Activities (RoPA) details the types of information we hold and the grounds upon which we process it, as does our Privacy Notice which can be found on our website.

Data Subject(s) - The Data Subject is the person about whom the personal data relates or identifies.

Data Processing - Data Processing is an over-arching term that means "doing something" with personal data. This commonly includes:

- Collecting or collating the data
- Analysing the data
- Sharing the data
- Storing the data
- Destroying the data

Data Controller - The Data Controller is occasionally the person or more commonly the organisation with overall responsibility for the processing of personal data that organisation undertakes. They will make all the decisions about what is captured, how it's used and the purpose for it, as well as deciding what controls need to be in place.

Data Processor - is occasionally a person, but more commonly an organisation commissioned by a Data Controller to carry out their data processing on behalf of the Data Controller. These are usually software providers such as Microsoft, or contracted out services such as an insurance company. Essentially, a Data Processor is acting as an extension of the Data Controller, so must operate under the Data Controller's instructions, and under the terms of a Data Processing Agreement.

Data Sharing - means *giving* it to another Data Controller, for them to use for their own purposes. Once you have shared personal data, the recipient becomes the Data Controller for that information, and therefore makes the decisions over what they will do with it.

Note, we do NOT *share* data with our Data Processors, as these are processing it under your Data Controllership.

Data Breach - The most common type of data breach is the accidental or unlawful *loss, alteration, destruction, disclosure of or access to* personal data, for example sending an email to the wrong recipient, losing a file containing personal data, or sharing passwords enabling someone else to access your account. However, you should consider any failing of one of the Data Protection Principles (Article 5 of GDPR) as a GDPR breach, so could include examples such as not having the necessary paperwork in place, not providing the data subject with clear privacy information, retaining personal data for longer than is necessary or processing personal data without an identified lawful basis (Article 6 of GDPR).

Data Processing Agreement – a legally binding contract between the Data Controller and its Data Processor. This contract defines exactly how the Data Controller expects the Data Processor to process its personal data, and follow standard contract clauses.

Data Sharing Agreement - a non-legally binding written agreement between Data Controllers where there is regular sharing of personal data. The Sharing Agreement should define who is involved in the agreement, what data is being shared, why the recipient needs the data, how this is lawful, the how the data will be shared.

5. Roles and responsibilities

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

5.1 Board of Trustees

The Board of Trustees has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Business Manager - The Business Manager acts with the delegated authority of the Board of Trustees on a day to day basis as data controller and will liaise with the DPO. In the Business Manager's absence, in case of emergency, this role will be delegated to the Senior Finance Officer.

5.3 All staff

All staff are responsible for:

- Familiarising themselves with and complying with this and related policies. The learning culture within the organisation seeks the avoidance of a blame culture and is key to allowing individuals the confidence to report genuine mistakes. However, staff should be aware, that a deliberate or reckless disregard of this policy could result in disciplinary action being taken;
- Taking care to ensure the safe keeping of personal data, minimising the risk of its loss or misuse at all times. All staff should adopt the approach that they should treat the personal data of others with the same care with which they would treat their own;
- Only using computers and other devices authorised by the school for accessing and processing personal data ensuring that they are properly "logged-off" at the end of any session in which they are using personal data; and locking devices when they are temporarily left unattended at any point (Windows Button + L is a handy shortcut);
- Storing, transporting and transferring data using encryption and secure password protected devices;
- Not transferring personal data offsite or to personal devices;
- Deleting any data they hold in line with this policy, the Records Retention Policy, and the retention schedule;
- Informing the school of any changes to their personal data, such as a change of address;
- Reporting to the Business Manager, or in their absence the Senior Finance Officer or Headteacher in the following circumstances:

- Any questions about the operation of this policy, data protection law, retaining or sharing personal data or keeping personal data secure;
- If they have any concerns that this policy is not being followed;
- If they are unsure whether they have a lawful basis upon which to use personal data in a particular way;
- If they need to rely on or capture consent, deal with data protection rights invoked by an individual, or transfer personal data outside the UK and European Economic Area;
- The discovery of a data breach or near miss (immediate action is required) – please refer to the Data Breach Policy and section 12 of this policy;
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals;
- If they are to share personal data with a data processor, for example a contractor or someone offering a service, in which case a contract is likely to be required and potentially a data protection impact assessment, please see - *Sharing Personal Data* (section 10).

6. Data protection officer

The Data Protection Officer (DPO) is responsible for advising on the implementation of this policy, monitoring compliance with data protection law, providing support and developing related policies and guidelines where applicable, in amongst other data protection related functions. They will provide an annual report on compliance to the organisation and, where relevant, provide the organisation with advice and recommendations on data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

The school has appointed One West as its DPO, and they can be contacted by email at:.

One West (Bath and North East Somerset Council)
Guildhall
High Street
Bath
BA1 5AW

or via email at i-west@bathnes.gov.uk
or telephone 01225 395959.

Under usual circumstances the internal data protection lead, the Business Manager, the Headteacher or a member of SLT will be the point of contact with the DPO.

7. Data Subject Rights

In all aspects of its work, the school will ensure that the rights of the data subject are protected by all practicable measures associated with the conduct of the school's work. Subject to exceptions, the rights of the data subject as defined in law are:

1. *The Right to be informed.*

   The school advises individuals how it will use their data through the use of transparent Privacy Notices and other documentation, such as data capture and consent forms where appropriate.

2. *The Right of access*

   An individual when making a subject access request (SAR) is entitled to the following;

   - Confirmation that their data is being processed;

- Access to their personal data;
- Other supplementary information – this largely corresponds to the information that should be provided in a Privacy Notice.

The school must respond to such a request within one calendar month unless the request is complex, in which case it may be extended by a further 2 calendar months.

3. *The Right to rectification*

Individuals have the right to ask us to rectify information that they think is inaccurate or incomplete. The school has a duty to investigate any such claims and rectify the information where appropriate within one calendar month, unless an extension of up to a further 2 calendar months can be justified.

4. *The Right to erasure*

Individuals have a right to request that their personal information is erased but this is not an absolute right. It applies in circumstances including where:

- The information was given voluntarily, consent is now withdrawn and no other legal basis for retaining the information applies;
- The information is no longer required by the school;
- The data was collected from a child for an online service; or
- The school has processed the data on the basis that it is in their legitimate business interests to do so, and having conducted a legitimate interests test, it concludes that the rights of the individual to have the data erased outweigh those of the school to continue to process it.

The school will consider such requests as soon as possible and within one month, unless it is necessary to extend that timeframe for a further two months on the basis of the complexity of the request or a number of requests have been received from the individual.

5. *The Right to restrict processing*

This is not an absolute right. An individual may ask the school to temporarily limit the use of their data (for example, storing it but not using it) when it is considering:

- A challenge made to the accuracy of their data, or
- An objection to the use of their data.

An individual may also ask the school to restrict the destruction of a record, if they wish it to be retained beyond the normal retention period.

In addition, the school may be asked to limit the use of data rather than delete it:

- If the individual does not want the school to delete the data but does not wish it to continue to use it;
- In the event that the data was processed without a lawful basis;
- To create, exercise or defend legal claims.

6. *The Right to data portability*

An individual can make a request in relation to data which is held electronically for it to be transferred to another organisation or to themselves where they have provided it either directly or through monitoring activities e.g. apps. The school only has to provide the information where it is electronically feasible.

7. *The Right to object*

Individuals have a right to object in relation to the processing of data in respect of:

- a task carried out in the public interest except where personal data is processed for historical research purposes or statistical purposes

- a task carried out for the exercise of official authority
- a task carried out in its legitimate interests
- scientific or historical research, or statistical purposes, or
- direct marketing.

Only the right to object to direct marketing is absolute, other objections will be assessed in accordance with data protection principles. The school will advise of any decision to refuse such a request within one month, together with reasons and details of how to complain and seek redress.

8. The Right to complain

Individuals have the right to complain about the way in which an organisation processes their personal data. This is the first stage, before the Information Commissioner will consider a personal data complaint. Please follow the school's complaints procedure.

9. Rights related to automated decision making

This does not apply as the school does not employ automated decision-making processes.

8. Data Protection Principles

Data protection legislation is based on 7 key data protection principles that the School complies with.

The principles say that personal data must be:

8.1.1 **Processed lawfully, fairly and in a transparent manner** – the school will explain to individuals why the school needs their data and why it is processing it – for example on consent forms (where consent is used as the basis for processing), and in its Privacy Notice(s). The school reviews its documentation and the basis for processing data on a regular basis

8.1.2 **Collected for specified, explicit and legitimate purposes** – the school explains these reasons to the individuals concerned when it first collects their data. If the school wishes to use personal data for reasons other than those given when the data was first obtained, it will inform the individuals concerned before doing so, and will seek consent where necessary and appropriate unless the new purpose is compatible with that in respect of which consent was given, or there is another lawful basis for sharing the information/ The School will document the basis for processing.

8.1.3 **Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed** - the school must only process the minimum amount of personal data that is necessary in order to undertake its work.

8.1.4 **Accurate and, where necessary, kept up to date** – the school will check the details of those on its databases at appropriate intervals and maintain the databases. It will consider and respond to requests for inaccurate data to be rectified in accordance with the Data Protection Act 2018.

8.1.5 **Kept for no longer than is necessary for the purposes for which it is processed** – We review what data we hold at appropriate intervals – for example upon the annual review of the Record of Processing Activities (or sooner if needed). When the School no longer needs the personal data it holds, it will ensure that it is deleted or anonymised in accordance with the retention schedule. We only keep personal data, include special category data in an identifiable form for as long as is necessary for the purposes for which it was collected, or where there is a legal obligation to do so;

- We have a retention and disposal policy which governs how long all data including special category data shall be retained for. This policy is complied with and reviewed regularly;
- Once the data is no longer needed, we delete it, securely destroy it in line with our retention and disposal policy, or render it permanently anonymous.

8.1.6 **Processed in a way that ensures it is appropriately secure** – the school implements appropriate technical measures to ensure the security of data and systems for staff and all users. Please refer to the Information Security Policy and E-Safety Policy for further information which incorporates principles around the school's remote access policy and how data is securely transferred in and out of the school's system.

- We adopt a risk- based approach to taking data offsite. Unless absolutely necessary, hard copies of special category personal data will not be removed from our premises.
- Any decision to remove the information must be based on the business need of the organisation or in the best interests of the individual, rather than for the convenience of the individual member of staff. It is always preferable for any special category personal data to be accessed via an appropriately encrypted means rather than via hard copy, when off-site.
- If there is no reasonable alternative to removing hard copies from the organisation name's site, the following procedure will apply:

  i. A record of what information has been removed will be logged on site with the office so that there is a record of what has been removed – for example health data in trip packs;
  ii. We adopt a risk- based approach, for example hard copy personal data with lower sensitivity (e.g. exercise books) may be taken off site, but if left in a vehicle must be locked in the boot, never left in a visible place, only for the shortest period of time and never overnight. Special Category Data (e.g. SEND, Safeguarding, Health data) must be kept on the staff member's person at all times.
  iii. Data will be tidied away when not in use (e.g. when staff undertake marking at home, it must be out of sight of family members, not left out and tidied away afterwards).
  iv. Only those who have need to access the data concerned will be granted permission and access to it.
  v. Our ICT policy describe the requirements around remote working and password protection

8.1.7 **Accountability** – The School complies with its obligations under data protection laws including the GDPR and can demonstrate this via the measures set out in this policy including:

- Completing Data Protection Impact Assessments (DPIAs) where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies. This largely involves special category personal data and CCTV. However, the School will liaise with the DPO who will advise on this process. Any activity involving the processing of personal data must be registered on the Register of Processing Activity and reviewed, at the very least, annually;
- 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; the School also maintains a record of attendance; Staff who process special category data, will be provided with such additional training as appropriate for example on safeguarding systems. Records of training are maintained;

- Regularly conducting reviews and audits to test its privacy measures and ensure compliance with relevant legislation and school policies;
- Policies related to the handling of data and associated documentation will be regularly reviewed on a rolling basis and updated in accordance with new guidance, legislation and practice. They will be publicised to staff who will be required to familiarise themselves with them;
- The Record of Processing Activities will be maintained and reviewed at least annually;
- Where any breaches of personal data have occurred, the reasons for this will be reviewed and changes made to practice and procedure as appropriate;
- Stakeholders will manage risks and compliance using the annual compliance statement provided by the Data Protection Officer and/or a Risk Register

9. Processing Personal Data

In order to ensure that the school's processing of personal data is lawful; it will always identify one of the following six grounds for processing **before** starting the processing:

- The individual (or their parent/carer when appropriate in the case of a pupil/ student) has freely given clear consent. The school will seek consent (where appropriate) to process data from the pupil / student or parent depending on their age and capacity to understand what is being asked for.
- 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;
- The data needs to be processed so that the school can comply with a **legal obligation;**
- The data needs to be processed to ensure the **vital interests** of the individual, i.e. to protect someone's life;
- The data needs to be processed so that the school, as a public authority, can **perform a task in the public interest, or carry out its official functions**;
- The data needs to be processed for the **legitimate interests** of the school or a third party where necessary, balancing the rights of freedoms of the individual. However, where the school can use the public task basis for processing, it will do so rather than rely on legitimate interests as the basis for processing.

9.1. Processing Special Categories of Personal Data

In addition to the legal basis to process personal data, special categories of personal data also require an additional condition for processing under Article 9 of the GDPR. The grounds that we may rely on include:

a) The individual has given **explicit consent** to the processing of those special categories of personal data for one or more specified purposes;

b) Processing is necessary for the purposes of carrying out the obligations and exercising specific rights under **employment and social security and social protection law and research**; a full list can be found in Schedule 1 Part 1 of the Data Protection Act 2018.

c) Processing is necessary to protect the **vital interests** of the individual or of another natural person where the individual is physically or legally incapable of giving consent;

d) Processing is carried out in the course of its legitimate activities by a not-for-profit organisation with a political, philosophical, religious, or trade union aim on the condition that the processing relates solely to its members, or former member who have regular contact with it, and that the personal data are not disclosed outside that body without consent.

e) Processing relates to personal data which are **manifestly made public** by the individual;

Processing is necessary for the **establishment, exercise or defence of legal claims** or whenever courts are acting in their judicial capacity;

f) Processing is necessary for reasons of **substantial public interest** but must be clearly demonstrated and assessed as part of the public interest test and evidenced throughout the decision- making process.

These grounds include the following (the full list of defined purposes may be found in Schedule 1 Part 2 of the Data Protection Act 2018):

- Statutory and government purposes
- Safeguarding of children or individuals at risk
- Legal claims
- Equality of opportunity or treatment
- Counselling
- Occupational pensions

g) Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3;

h) Processing is necessary for reasons of **public interest in the area of public health;**

i) Processing is necessary for **archiving purposes in the public interest, scientific or historical research purposes or statistical purposes**.

Deciding upon the correct legal basis for processing data can be difficult and more than one ground may be applicable. We consult with the Data Protection Officer where appropriate.

We must also comply with Schedule 1 of the Data Protection Act (as well as Articles 6 and Article 9), when we are processing data where the conditions relate to employment, health and research or substantial public interest.

9.2. Legal basis for processing criminal offence data

Criminal offence data includes information about criminal allegations, criminal offences, criminal proceedings and criminal convictions.

We do not maintain a register of criminal convictions.

When processing this type of data, we are most likely to rely on one of the following bases:

- The processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller or the individual in connection with employment, social security or social protection;
- The processing is necessary for the purposes of protecting the physical, mental or emotional well-being of an individual;
- The processing is necessary for statutory purposes; or
- Consent – where freely given. The school acknowledges because of the potential for the imbalance of power that it may be difficult for consent to be deemed valid and will only rely on this where no other grounds apply.

10. Third Parties with Access to Personal Data

Please refer to the school's Privacy Notice(s) for details of who, aside from the school, has access to the personal data processed.

10.1 Data Sharing

The school will only share personal data under limited circumstances, when there is a lawful basis to do so and where identified in the Privacy Notice(s). The following principles apply:

- The school will share data if there is an issue with a student /pupil or third party, for example, parent/carer that puts the safety of staff or others at risk;
- The school will share data where there is a need to liaise with other agencies. It will seek consent as necessary and appropriate before doing so. However, where child protection and safeguarding concerns apply, it will apply the "Seven golden rules of information sharing." In limited circumstances, data may be shared with external agencies without the knowledge or consent of the parent or student in line with the DPA 2018, which includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent;

The school may also disclose personal data to law enforcement and government bodies where there is a lawful requirement / basis for us to do so, including:

- For the prevention or detection of crime and/or fraud;
- For the apprehension or prosecution of offenders;
- For the assessment or collection of tax owed to HMRC;
- In connection with legal proceedings;
- For research and statistical purposes, as long as personal data is sufficiently anonymised, or consent has been provided or it is otherwise fair and lawful to do so.

The school may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects pupils/ students or staff.

10.2 Third-Party Processors

The school's suppliers and contractors including its Data Protection Officer may need data to provide services. When third parties are processing personal data on behalf of the school, the school will:

- Only appoint suppliers or contractors who can provide sufficient guarantees that they comply with data protection law;
- Establish a data processing contract 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 it shares where there is regular sharing;
- Only provide access to data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with the school.

11. Data Protection by Design and Default

The school has a legal obligation to integrate appropriate technical and organisational measures into all of its processing activities, and to consider this aspect before embarking on any new type of processing activity.

It is a statutory requirement that any activity involving a high risk to the data protection rights of the individual when processing personal data be assessed by the Data Protection Impact Assessment. Prior to the assumption of any such activity, One West must be consulted and an initial screening be conducted assessing risk.

Please refer to the Information Security Policy for further detail as to how the school implements this principle in practice.

12. Personal data breaches or near misses

A personal data breach is defined as *"a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored*

or otherwise processed in connection with the provision of a public electronic communications service." It may be deliberate or accidental.

Wherever it is believed that a security incident has occurred, or a "near-miss" has occurred, the staff member must inform the Headteacher and DPO **immediately** in order that an assessment can be made as to whether the ICO should be informed within 72 hours as is legally required, and / or those data subjects affected by the breach. The learning culture within the organisation seeks the avoidance of a blame culture and is key to allowing individuals the confidence to report genuine mistakes.

Further details on security incidents and data breaches can be found in the Data Breach Policy.

13. Biometric Recognition Systems

Biometric data consists of personal information about an individual's physical or behavioural characteristics which may be used to identify that person. It may take the form of fingerprint, voice, or facial recognition. We use biometric in the follow ways for cashless catering payment and 6th Form attendance systems.

We will undertake a Data Protection Impact Assessment before implementing any new biometric system to assess the impact on individuals.

In accordance with the Protection of Freedoms Act 2012, once satisfied, we will notify all those will parental responsibility in the case of any student under 18, unless this is impractical (for example the whereabouts of the parent is unknown or if there is a safeguarding issue) and may only proceed if we have at least one positive written consent, and no written parental objection. We will not proceed to process the information if the student themselves objects. Either parents or the student may withdraw their consent at any time, although parents must object in writing.

In the case of adults, for example staff members, we will seek their consent direct from them before processing any biometric data.

If the individual concerned does not agree to proceed or wishes to withdraw their consent to the use of the biometric system, we will provide an alternative means of achieving the same aim.

14. CCTV

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 Business Manager and our CCTV policy can be found on our website.

15. Photographs and recordings

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

15.2 We will obtain written consent from parents/carers (for pupils in Year 7), or pupils (Years 8-13), for photographs and videos to be taken of pupils for communication, marketing and promotional materials (Appendix 2) .

15.3 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 where consent is sought may include:

15.3.1 Within school on notice boards and in school magazines, brochures, newsletters, etc.

15.3.2 Outside of school by external agencies such as the school photographer, newspapers, campaigns

15.3.3 Online on our school website or social media pages

15.4 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.

15.5 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.

16. Confidentiality of Pupil Concerns

16.1 Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the Academy will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the Academy believes disclosure will be in the best interests of the pupil or other pupils. Refer to the Safeguarding and Child Protection policy.

17. Subject Access Requests

17.1 Anybody who makes a request to see or obtain copies of any personal information held about them by the Academy Trust is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.5).

17.2 All requests (which can be made verbally and in writing) should be sent to the Headteacher within 3 working days of receipt and must be dealt with in full without delay and at the latest within one month of receipt. Please note this can be extended by a further 2 months if the request is deemed as complex – we will notify you of this extension as soon as possible if this is invoked.

17.3 Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Headteacher must, however, be satisfied that:

17.3.1 the child or young person lacks sufficient understanding; and

17.3.2 the request made on behalf of the child or young person is in their interests.

17.4 Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances the Academy Trust must have written evidence that the individual has authorised the person to make the application and the Headteacher must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

17.5 Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

17.6 Parental requests to see the education record

17.6.1 As an Academy, there is no automatic parental right of access to the educational record, however the school will provide this information provided that the student gives their consent. Children aged 12 or over are able provide their own consent. Requests must be made to the *Headteacher* and will incur an administrative charge of £10. All successful requests will normally be met within 20 school days

17.6.2 A subject access request can be made verbally and in writing. The Academy Trust may ask for any further information reasonably required to locate the information or to clarify the scope.

17.6.3 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

17.6.4 All files must be reviewed by Headteacher before any disclosure takes place. Access will not be granted before this review has taken place.

17.6.5 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

18. Exemptions to access by data subjects

18.1 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

18.2 There are other exemptions from the right of subject access. If we intend to apply any of them to a request, then we will usually explain which exemption is being applied and why.

19. Destruction of records

The school adheres to its retention policy and will permanently securely destroy both paper and electronic records securely in accordance with these timeframes.

The school will ensure that any third party who is employed to perform this function has the necessary accreditations and safeguards.

Where the school deletes electronic records and its intention is to put them beyond use, even though it may be technically possible to retrieve them, it will follow the Information Commissioner's Code of Practice on deleting data and this information will not be made available on receipt of a subject access request.

20. Training

To meet its obligations under Data Protection legislation, the school will ensure that all staff, volunteers, and Governors receive an appropriate level of data protection training as part of their induction. Permanent members of staff will receive Data Protection training at least every year. Those who have a need for additional training will be provided with it, for example relating to use of systems or CCTV.

Data protection also forms part of continuing professional development. Staff members undertakes regular informal discussions on Data Protection, to ensure key updates are provided where changes to legislation, guidance or the school's processes make it necessary. This will include lessons learned from Data Breaches and Near Misses, preventative measures to avoid them, and other best practice as advised.

21. Monitoring Arrangements

Whilst the DPO is responsible for advising on the implementation of this policy and monitoring the school's overall compliance with data protection law, the school is responsible for the day to day implementation of the policy and for making the data protection officer aware of relevant issues which may affect the school's ability to comply with this policy and the legislation.

This policy will be reviewed annually, unless an incident or change to regulations dictates a sooner review.

22. Complaints

The school is always seeking to implement best practice and strives for the highest standards. The school operates an "open door" policy to discuss any concerns about the implementation of this policy or related issues. The school's complaints policy can be found on our school website.

Individuals have the right to make a complaint to us about the way in which we process personal data. There is a right to make a complaint to the Information Commissioner's Office (ICO), but complaints should be raised with us first using the school's complaint policy or via the school's DPO.

The ICO is contactable at:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Telephone: 0303 123 1113

23. Legislation and Guidance

This policy takes into account the following:

- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act (DPA) 2018.
- The Protection of Freedoms Act 2012
- Guidance published by the Information Commissioner's Office
- Protection of biometric information of children in schools and colleges – DfE March 2018
- Information Sharing – Advice for Practitioners – DfE July 2018.

24. Links with Other Policies

This Data Protection Policy is linked to the following:

- Information Security Policy
- Retention & Disposal / Records Management Policy
- Data Breach Policy
- Privacy Notices
- Safeguarding Policy
- Acceptable Usage Policies
- E-Safety/Online Safety Policy
- Consent / Permissions Form
- Admissions Form

Reviewed by	Date of Review / approval	Review cycle	Next Review Date	Statutory / Non statutory	Website
Resources, Audit & People	Autumn 2025	1 year	Autumn 2026	Statutory	Yes

Appendix 1 – Examples of Special Category Data that we process

Examples of where we may process special category data include in:

Pupil health data and information concerning their racial / ethnic origin in admissions records and in pupil records / trip packs

Employee health data and information concerning their racial / ethnic origin

Special Educational Needs information

School census information

Attendance records

Biometric data i.e., fingerprints for cashless catering / door entry systems

Information contained within child protection and safeguarding records

Staff application forms

HR files including and disciplinary and capability proceedings which may include DBS, and right to work checks, health, and equal opportunities data (disability, race, ethnicity, sexual orientation).

Accident reporting documentation

Our Record of Processing Activities (RoPA) details the types of information we hold and the grounds upon which we process it, as does our Privacy Notice which may be found on our website.

Appendix 2 – Subject Access Request Procedure (SAR)

The school shall complete the following steps when processing a request for personal data (Subject Access Request or SAR) with advice from its Data Protection Officer (i-west), using the school SAR Guidance provided to the school.

1. Ascertain whether the requester has a right to access the information and capacity.
2. Obtain (reasonable and proportionate) proof of identity (once this step has been completed the clock can start)
3. Engage with the requester if the request needs clarifying
4. Make a judgement on whether the request is complex and therefore can be extended by an additional 2 months
5. Acknowledge the requester providing them with
    a. the response time – one calendar month (as standard), an additional two months if complex; and
    b. details of any costs – free for standard requests, or you can charge, or refuse to process, if the request is manifestly unfounded or excessive, or further copies of duplicate information is required, the fee must be in line with the administrative cost
6. Use its Record of Processing Activities and/or data map to identify data sources and where they are held
7. Collect the data (the organisation may use its IT support to pull together electronic data sources such as emails and databases)
8. If (6) identifies third parties who process it, then engage with them to release the data to the school.
9. Review the identified data for exemptions and redactions in line with the ICO's Guide to the Right of Access and in consultation with the organisation's Data Protection Officer (i-west), and their School SAR Guidance.
10. Create the final bundle and check to ensure all redactions have been applied
11. Submit the final bundle to the requester in a secure manner and in the format they have requested.