



General Data Protection Regulation Policy (GDPR)

Markeaton Primary School collects and uses personal information (referred to in the General Data Protection Regulation as personal data) about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school may be required by law to collect, use and share certain information.

The school is registered as a Data Controller, with the Information Commissioner's Office (ICO). Details are available on the ICO website.

Markeaton Primary School issues a Fair Processing Notice to all pupils/parents. This summarises the information held on pupils, why it is held and the other organisations to whom it may be passed on. Markeaton Primary school employs J. A. Walker, Solicitor as our Data Protection Officer (DPO).

Purpose

This policy sets out how the school deals with personal information correctly and securely and in accordance with the UK GDPR, and other related legislation.

This policy applies to all personal information, however it is collected, used, recorded and stored and whether it is held on paper or electronically.

All school staff and governors involved with the collection, use, processing or disclosure of personal data will be trained appropriately, aware of their duties and responsibilities and will adhere to this policy.

What is Personal Information/Data?

Personal information or data is information which relates to a living individual who can be identified from that data, or from that data in addition to other information available to them. Personal data includes (but is not limited to) an individual's, name, address, phone number, date of birth, photograph, ethnicity, bank details and other information that identifies them.

Who is a 'data subject' ?

Someone whose details we keep on file.

Main principles of UK GDPR

The UK GDPR establishes six principles that must be adhered to at all times:

1. Lawfulness, transparency and

fairness

School must have a legitimate reason to hold the data, we explain this in the Data Privacy Notices on the website. We often ask for consent to use data about a pupil for a particular purpose. If you wish to withdraw consent we have a form to complete to allow us to process your request. There are some instances where you cannot withdraw consent as explained in 'Data Subjects Rights'.

2. Collect data for a specific purpose and use for that purpose

Data cannot be used for a purpose that it was not originally collected for, or where notice has not been given about how data may be used after collection.

3. Limited collection

Markeaton Primary School should only collect the minimum amount of data needed for a particular task or reason.

4. Accuracy

Data collected should be accurate, and steps should be taken to check and confirm accuracy. We do this when pupils join the school and check on an annual basis. If a Data Subject feels that the information held is inaccurate, should no longer be held by the Controller or should not be held by the Controller in any event a dispute resolution process and complaint process can be accessed, using the suitable forms.

5. Retention

Markeaton Primary School has a retention policy that explains how long we store records for. This is available on request.

6. Security

Markeaton Primary School has processes in place to keep data safe. That might be paper files, electronic records or other information.

Data subjects' rights

Data Subjects have a right:-

- to be informed
- of access to data stored about them or their children
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for school to keep the data
- to restrict processing, i.e. to limit what is done with their data
- to object to data being shared or collected

There are other rights that relate to automated decision making and data portability that are not directly relevant in schools. Data subjects rights are also subject to child protection and safeguarding concerns, sharing information for the prevention and detection of crime. Schools also have legal and contractual obligations to share information with organisations such as the Department for Education, Social Care, the Local Authority and HMRC amongst others. In some cases these obligations override individual rights.

Lawful Processing

The legal basis and authority for collecting and processing data in school are:-

- consent obtained from the data subject or their parent
- performance of a contract where the data subject is a party
- compliance with a legal obligation
- to protect the vital interests of the data subject or other associated person
- to carry out the processing that is in the public interest and/or official authority
- it is necessary for the legitimate interests of the data controller or third party in accordance with national law.

In addition, any special categories of personal data are processed on the grounds of

- explicit consent from the data subject or about their child
- necessary to comply with employment rights or obligations
- protection of the vital interests of the data subject or associated person
- being necessary to comply with the legitimate activities of the school
- existing personal data that has been made public by the data subject and is no longer confidential
- bringing or defending legal claims
- safeguarding
- national laws in terms of processing genetic, biometric or health data.

Processing data is recorded within the school systems.

Commitment

The school is committed to maintaining the above principles at all times. Therefore the school will:

- ☑ Inform individuals why personal information is being collected. Privacy Notices can be found on our website.
- ☑ Inform individuals when their information is shared, and why and with whom, unless the UK GDPR provides a reason not to do this.
- ☑ Check the accuracy of the information it holds and review it at regular intervals.
- ☑ Ensure that only authorised personnel have access to the personal information, whatever medium (paper or electronic) it is stored in.
- ☑ Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
- ☑ Ensure that personal information is not retained longer than it is needed.
- ☑ Ensure that, when information is destroyed, it is done so appropriately and securely.
- ☑ Share personal information with others only when it is legally appropriate to do so.
- ☑ Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests (SAR).
- ☑ Ensure that personal information is not transferred outside the European Union without the appropriate safeguards
- ☑ Ensure all staff and governors are aware of and understand these policies and procedures.

Subject Access Requests (SAR)

SAR forms can be requested from the school office. Completed SAR forms can be sent to info@jawalker.co.uk.

Withdrawal of Consent

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent the school will consider each situation on the merits and within the principles of UK GDPR and also child welfare, protection and safeguarding principles. A Withdrawal of Consent Form can be found and be downloaded from our website.

Breaches & Non Compliance

If there is non compliance with the policy or processes, or there is a DPA breach as described within the UK GDPR and DPA 2018 then the guidance set out in the Breach and Non Compliance Procedure and Process needs to be followed.

Protecting data and maintaining data subjects rights is the purpose of this policy and associated procedures. A copy of the Breach and Non Compliance Procedure and Process is available upon request from the school office.

Complaints

Complaints will be dealt with in accordance with the school’s Complaints Policy. Complaints relating to the handling of personal information may be referred to the school’s Data Protection Officer, J. A. Walker Solicitor.

CCTV

We use CCTV and store images for a period of time in line with the policy. CCTV may be used for:-

- Detection and prevention of crime
- School staff disciplinary procedures
- Pupil behaviour and exclusion management processes
- To assist the school in complying with legal and regulatory obligations

A copy of our CCTV Policy is available upon request from the school office.

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

Contacts

If you have any enquiries in relation to this policy, please contact the Headteacher.

May 2018

Our Data Protection Officer is J. A. Walker Solicitor info@jawalker.co.uk

Review date May 2020

Approved at Governors’ Meeting on

Signed