Peterchurch Primary School

DATA PROTECTION POLICY

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Document Control

This is a CONTROLLED document and updates or changes to this document are authorized and then advised by meeting, email, website or newsletter as appropriate.

It is UNCONTROLLED when printed. You should verify that you have the most current issue.

DOCUMENT HISTORY

Document Log

Version	Status	Date Issued	Description of Change	Pages affected	Review
0.1	Draft				
1.0	Superseded				
1.1	Superseded	02/02/21	Typo in footer, change of wording S7	Footer, Pg 8	
2.0	Live	04/10/21	Text updates, reorder, replaced GDPR with reference to UK GDPR.	All pages.	
3.0	Draft	N/A	Review and update, insertion of sections relating to biometrics and data subject rights.	All	

Contents

Purpose 3

Scope 3

1.0 Introduction 3

2.0 Legislation, Guidance and Background 3

3.0 Key Definitions 4

4.0 Roles and Responsibilities 5

5.0 Collecting, Processing and Sharing Personal Data 7

6.0 Data Processors 7

7.0 Data Protection by Design 8

8.0 Data Security and Records Management 8

9.0 Biometric Information 9

10.0 School Archive 9

11.0 Data Subject Rights 9

12.0 Related Policies, Procedures and Guidance 9

Review and Revision 10

Purpose

The purpose of this document is to set out the School's statement of intent with regard to personal data and to inform all school employees, governors, volunteers and contractors of their responsibilities for handling and protecting the personal data they work with.

Scope

Every person handling information or using School information systems is expected to comply with the School's policies and procedures. This document highlights your key responsibilities and actions that you should take when handling personal data. Should personal data fall into the wrong hands there could be significant repercussions.

This policy applies to all personal data, held in all formats.

1.0 Introduction

Peterchurch Primary School collects and uses personal information in order to enable the school to provide education and other related services. There are legal requirements for schools to collect and use certain categories of personal data to ensure that the School complies with its statutory obligations.

Our School has a responsibility under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA) to obtain, record, hold, use and store all personal data relating to an identifiable individual in a secure and confidential manner.

This Policy provides a framework within which the School will ensure compliance with the requirements of the legislation, associated regulations and guidance and will underpin any operational procedures and activities connected with the processing of personal data.

2.0 Legislation, Guidance and Background

The UK GDPR and DPA govern the collection and use of personal data that identifies living individuals directly or indirectly and includes information held in all formats. In addition it provides a mechanism by which individuals (Data Subjects) can have control over the way in which their personal data is held and processed.

The legislation:

- states that all personal data must be processed within the legal framework and the data protection principles contained therein.

- sets out the lawful basis for processing personal data.
- identifies certain personal data as special category data and requires additional safeguards and processing requirements to be taken in relation to this sub-set.
- provides data subjects with a number of enforceable rights over their personal data.
- sets out the responsibilities and requirements of Data Controllers and Data Processors.
- gives regulatory and enforcement powers to the Information Commissioner Office (ICO)
- requires Data Controllers to report data breaches that will or are likely to result in a risk to the rights and freedoms of data subjects to the ICO.

Further information and guidance relating to the legislative requirements of the UK GDPR and DPA can be found at https://ico.org.uk/.

3.0 Key Definitions

Term	Definition
Data controller	A person or organisation that determines the purposes and means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Data subject	The identified or an identifiable individual to whom the personal data relates.
Personal data	Any information relating to an identified or identifiable living individual. Examples include: • Name (including initials) • Identification number • Location data including Online identifiers • Photograph or video image • Reports concerning an individual It may also include factors specific to an individual's physical, physiological, genetic, mental, economic, cultural or social identity.

Term	Definition
	Information is the product of a collection of data and expressed views and opinions based upon it. It can be held and used in many forms including but not limited to electronic records, hard copy, images, recordings of phone calls and conversations.
Personal data breach	Accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. A breach occurs when there has been a loss of confidentiality, availability or integrity of personal data, whether accidental or deliberate.
Processing	Any operation or set of operations performed on personal data including: collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Special categories of personal data	Personal data which is considered to be more sensitive and therefore requires further safeguards: • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetic data • Biometric data where used for identification purposes (such as fingerprints, retina and iris patterns) • Health – physical or mental • Sex life or sexual orientation • Criminal offences and procedures

4.0 Roles and Responsibilities

This policy applies to all staff employed by our School as well as governors, volunteers, contractors, external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

4.1 The Data Controller

Our School processes personal data relating to pupils, staff, contractors, volunteers, parents, carers, governors, visitors and others; and therefore is a Data Controller.

The School is registered as a Data Controller with the ICO and will renew this registration annually or as otherwise legally required.

4.2 Governing Body

The Governing Body has overall responsibility for ensuring that our school complies with all relevant data protection legislation and obligations.

The Governing Body will monitor activities and incidents. It will ensure that there are adequate resources to support the work outlined in this policy to enable compliance with the legislation.

4.3 Data Protection Officer

The School's Data Protection Officer (DPO) is Ms Samantha Smith who can be contacted by E-mail: igschools@herefordshire.gov.uk; Tel: 01432 260282.

The DPO is responsible advising the school with regard to its obligations under the legislation including but not limited to: providing advice and assistance with data protection impact assessments, policies and procedures; acting as the point of contact for the ICO; assisting with the processing of data subject rights requests; raising awareness of polices and legal requirements; training staff, governors and other's processing data on behalf of the school. The DPO will liaise with the Governing Body, SLT and nominated school data protection lead. Full details of the DPO role and requirements are set out in the data protection legislation.

4.4 Headteacher

The Headteacher acts as the representative of the Data Controller on a day-to-day basis.

4.5 Staff and Governors

All staff and governors will ensure that:

- personal data is treated in a confidential manner in accordance with this and any associated policies and procedures.
- the rights of data subjects are respected at all times.
- privacy notices will be made available to inform data subjects how their data is being processed.
- personal data is only used for the stated purpose, unless explicit consent has been given by the data subject to use their information for a different purpose.
- personal data is only disclosed on a strict need to know basis, to recipients who are entitled to that information.

- personal data will be held securely within applications, systems, personal or shared drives and will only be accessed in order to carry out work responsibilities.
- personal data is recorded accurately and is kept up to date.
- they immediately refer to the relevant procedure upon receipt of a subject access request and/or requests in relation to the rights of data subjects.
- they immediately refer to the relevant procedure should an actual or potential personal data breach occur.
- they will contact the DPO should they have any concerns or require assistance in relation to the collection, use, sharing and other processing of personal data. This includes seeking advice on necessary steps when engaging with a new activity that may affect the privacy rights of individuals.

It is the responsibility of all staff and governors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

4.6 Contractors and Agency Staff

Where contractors and agency staff are used, the contracts between the School and these third parties must contain mandatory information assurance clauses to ensure that the contractors and agency staff are bound by the same code of behaviour and policies as School staff and governors, including this policy.

4.7 Volunteers

All volunteers are bound by the same code of behaviour and policies as School staff and governors, including this policy.

5.0 Collecting, Processing and Sharing Personal Data

We will only collect and process personal data in line with the principles and lawful basis' for processing set out by the legislation.

Whenever we collect personal data directly from individuals we will provide them with the relevant information required by data protection law in the form of a Privacy Notice.

The School's Privacy Notices can be found at Peterchurch Primary School - Policies

Data will only be shared when the law, our policies or the consent of the data subject allows us to do so.

6.0 Data Processors

The School must have written contracts in place with all external companies or individuals who process personal data on behalf of the School as Data Processors. The School will ensure that processors are only appointed if they can provide sufficient guarantees through

the procurement process that the requirements of the UK GDPR and DPA will be met and the rights of data subjects are protected.

All those subject to this policy will follow the School process for considering and assessing potential new data processing activities and processors.

7.0 Data Protection by Design

The School has 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 and always processing personal data in line with the data protection principles set out in the legislation.
- Completing data protection impact assessments where the School's processing of personal data presents a high risk to the rights and freedoms of individuals and when introducing new technologies.
- Integrating data protection into internal documents including any related policies and procedures.
- Regularly training the School workforce and governors on data protection law and practice, relevant policies and procedures.
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant.
- Maintaining records of type of personal data collected, held and our processing activities.

8.0 Data Security and Records Management

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

All School workforce and governors must ensure that information relating to data subjects is kept secure and confidential at all times. This includes storing information in line with the schools information management procedures.

The School will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

All records should be retained and disposed of in accordance with the School retention schedule IRMS Schools Toolkit - IRMS

9.0 Biometric Information

The School does not currently collect or process biometric information.

10.0 School Archive

The School archive is maintained as a resource to help inspire and equip current staff and pupils to understand and appreciate issues of identity, belonging and shared heritage; to prompt memories of school-life among many generations of Old Peterchurchians; and to serve as a research resource for all interested in the history of Peterchurch Primary School and the community it serves.

11.0 Data Subject Rights

Under the data protection legislation data subjects have a number or rights. Any individuals wishing to exercise their rights should email or write to the school.

12.0 Related Policies, Procedures and Guidance

All School workforce and governors should ensure they regularly check and abide by the following policies, procedure and guidance documents:

- Code of Conduct
- Complaints Policy
    - Complaints Procedure
- Data Protection Policy
    - Privacy Notices
    - Rights of the Data Subject Guidance
    - Data Subject Rights Procedure
    - Subject Access Procedure (including Education Records Request)
    - Data Incident and Breach Procedure
    - New Process or Processor Policy
    - DPIA Procedure
- Events
    - School Trip Procedure

    - School Performance Procedure
    - Sports Day Procedure
- FOI Policy
    - Publication Scheme
    - Freedom of Information Request Procedure
- Records Management Policy
    - Records retention schedule

Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

Policy review will be undertaken by the Senior Leadership Team and the DPO within the Local Authority.