COLCHESTER COUNTY HIGH SCHOOL FOR GIRLS

A19 DATA PROTECTION POLCY

COMMITTEES	Personnel Committee & Curriculum & Student Matters Committee
SLT RESPONSIBLE	Lyndon Hopkins School Business Manager
DATA PROTECTION OFFICER	Lauri Almond Information Governance Support Contactable via Essex County Council, 0333 013 9824
REVIEW	Every 2 years or earlier if there are changes to DfE guidance
POLICY REVIEWED	June 2018
REVIEW DUE	June 2020
APPROVED BY THE GOVERNING BODY	11 July 2018

Contents

1. Aims

Our school aims to ensure that all personal data collected about staff, students, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.
This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

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

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the Education (Student Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

In addition, this policy complies with the School Funding Agreement and Articles of Association.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: • Name (including initials) • Identification number • Location data • Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering,

	retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the 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.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The Data Controller

The school processes personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller.
The school is registered as a data controller with the Information Commisioners Ofiice (ICO) and will renew this registration annually or as otherwise legally required.

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 Local Governing Board

The Local Governing Board has overall responsibility for ensuring that the school complies with all relevant data protection obligations.

5.2 Data Protection Officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

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

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Information Governance Support and is contactable via Essex County Council, 0333 013 9824.

5.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
    - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
    - If they have any concerns that this policy is not being followed
    - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
    - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
    - If there has been a data breach
    - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
    - If they need help with any contracts or sharing personal data with third parties

6. Data Protection Principles

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

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

7. Collecting Personal Data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- 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 its legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. 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,** and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a student) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to students, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the student is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule & records management policy.

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8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
    - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
    - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings

- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff.

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

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students at our school may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

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

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest

- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

Students attending any type of school have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.

In academies, including free schools, and independent schools there is no automatic parental right of access to the educational record but the school may choose to provide this.

A request for an educational record must receive a response within 15 school days.

11. Biometric recognition systems

Where we use students' biometric data as part of an automated biometric recognition system (for example, students use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and students have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those students. For example, students can pay for school meals by using a number code.

Parents/carers and students can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a student refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the student's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

12. 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 IT Manager.

13. Photographs and videos

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

We will obtain written consent from parents/carers, or students aged 18 and over, for photographs and videos to be taken of students for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

See the Safeguarding & Child Protection Policy (A3), E-safety Policy (44) & Photography In School Policy (49) for more information on our use of photographs and videos.

14. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices).
    - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure.

15. Data security and storage of records

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

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and students are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our E-Safety Policy and ICT acceptable use agreements)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.
For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.
In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.
When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of students eligible for the student premium

- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about students

18. Training

All staff and governors are provided with data protection training as part of their induction process.
Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice.

20. Links with other policies

This Data Protection Policy is linked to our:

- A3 Safeguarding & Child Protection Policy
- A20 Freedom of information publication scheme
- 44 E-Safety Policy and ICT Acceptable Use Agreement
- 49 Photography in School
- 26 Code of Conduct

21. Review

This policy will be reviewed every 2 years or earlier if there are statutory changes.

Appendix I: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
    - Lost
    - Stolen
    - Destroyed
    - Altered
    - Disclosed or made available where it should not have been
    - Made available to unauthorised people
- The DPO will alert the Headteacher and the Chair of Governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
    - Loss of control over their data
    - Discrimination
    - Identify theft or fraud
    - Financial loss
    - Unauthorised reversal of pseudonymisation (for example, key-coding)
    - Damage to reputation
    - Loss of confidentiality
    - Any other significant economic or social disadvantage to the individual(s) concerned

    If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored by the School Business Manager.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO will set out:
    - A description of the nature of the personal data breach including, where possible:
        - The categories and approximate number of individuals concerned
        - The categories and approximate number of personal data records concerned
    - The name and contact details of the DPO
    - A description of the likely consequences of the personal data breach
    - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
    - The name and contact details of the DPO
    - A description of the likely consequences of the personal data breach
    - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
    - Facts and cause
    - Effects
    - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored by the School Business Manager.

The DPO and Headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records) for example:

- *If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error*
- *Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error*
- *If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it*
- *In any cases where the recall is unsuccessful, the DPO will contact the relevant un-authorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way*
- *The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request*
- *The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted*

Other examples of breaches which will need mitigating action

- *Details of student premium interventions for named children being published on the school website*
- *Non-anonymised student exam results or staff pay information being shared with governors*
- *A school laptop containing non-encrypted sensitive personal data being stolen or hacked*
- *The school's cashless payment provider being hacked and parents' financial details stolen.*

Data Protection Policy

General rules in complying with Data Protection law

Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' for each point further down the page.

What must I do?

1. ***MUST***: All employees must **comply** with the requirements of Data Protection Law and Article 8 of the Human Rights Act when processing the personal data of living individuals
2. ***MUST***: Where personal data is used we must make sure that the data subjects have access to a complete and current **Privacy Notice.**
3. ***MUST:*** We must formally **assess** the risk to privacy rights introduced by any new (or change to an existing) system or process which involves the use of personal data
4. ***MUST***: We must process only the **minimum** amount of personal data necessary to deliver services.
5. ***MUST***: All employees who record **opinions** or intentions about service users must do so carefully and professionally
6. ***MUST***: We must take reasonable steps to ensure the personal data we hold is **accurate**, up to date and not misleading.
7. ***MUST***: We must rely on **consent** as a condition for processing personal data only if there is no relevant legal power or other condition
8. ***MUST***: Consent must be obtained if personal data is to be used for **promoting or marketing** goods and services.
9. ***MUST***: Consent will **expire** at the end of each 'Key Stage' period unless it is reconfirmed.
10. ***MUST***: We must ensure that the personal data we process is reviewed and **destroyed** when it is no longer necessary.
11. ***MUST***: If we receive a **request** from a member of the public or colleagues asking to access their personal data, we must handle it as a Subject Access Request under the Data Protection Act 2018 or a request for the Education Record under the Education (Pupil Information) (England) Regulations 2005
12. ***MUST***: If we receive a request from anyone asking to access the personal data of **someone other than themselves**, we must fully consider Data Protection law before disclosing it
13. ***MUST***: When someone contacts us requesting we change the way we are processing their personal data, we must consider their **rights** under Data Protection law.
14. ***MUST NOT***: You must not access personal data which you have **no right to view**
15. ***MUST***: You must follow system user **guidance** or other formal processes which are in place to ensure that only those with a business need to access personal data are able to do so
16. ***MUST***: You must **share** personal data with external bodies who request it only if there is a current agreement in place to do so or it is approved by the Data Protection Officer or SIRO.

17. ***MUST***: Where the content of telephone calls, emails, internet activity and video images of employees and the public is **recorded, monitored and disclosed** this must be done in compliance with the law and the regulator's Code of Practice.
18. ***MUST***: All employees must be **trained** to an appropriate level, based on their roles and responsibilities, to be able to handle personal data securely.
19. ***MUST***: When using **'data matching'** techniques, this must only be done for specific purposes in line with formal codes of practice, informing service users of the details, their legal rights and getting their consent where appropriate.
20. ***MUST***: We must maintain an up to date entry in the **Public Register of Data Controllers**
21. ***MUST:*** Where personal data needs to be anonymised or pseudonymised, for example for **research purposes**, we must follow the relevant procedure
22. ***MUST NOT***: You must not **share** any personal data held by us with an individual or organisation based in any country outside of the United Kingdom without seeking advice from the SIRO or Data Protection Officer
23. ***MUST***: We must identify **Special Categories** of personal data and make sure it is handled with appropriate security and only accessible to authorised persons
24. ***MUST***: When **sending** Special Category data to an external person or organisation, it should be marked as "OFFICIAL-SENSITIVE" and where possible, sent by a secure method

Why must I do it?

1. To comply with legislation
2. To comply with Data Protection legislation which requires us to make the data subject aware of how we will handle their personal data
3. To ensure that the rights of the Data Subject are protected in any proposed new activity or change to an existing one
4. The law states that we must only process the minimum amount of information needed to carry out our business purpose. It is not acceptable to hold information on the basis that it might possibly be useful in the future without a view of how it will be used. Changes in circumstances or failure to keep the information up to date may mean that information that was originally adequate becomes inadequate.
5. To maintain professional standards and to assist in defending the validity of such comments if the data subject exercises their rights to ask us to amend or delete their personal data if they feel it to be inaccurate.
6. To comply with a principle of Data Protection law
7. To comply with Data Protection law. Where processing does not rely on a legal condition other than consent
8. When using personal data for marketing and promoting services it is unlikely that any lawful condition other than consent would apply.
9. Consent can only be valid for a reasonable period of time.
10. To comply with a principle of Data Protection law.

11. To comply with the right to access personal data
12. To comply with a principle of Data Protection law.
13. To comply with the rights of the Data Subject under Data Protection law
14. Personal data must be protected by effective security controls to ensure that only those with approved business need to access the data can do so
15. Personal data must be protected by effective security controls to ensure that only those with approved business need to access the data can do so
16. To comply with the legal requirements to keep personal secure but also to ensure that where there are legal grounds to share information in a managed way that this is done correctly.
17. The law permits organisations to hold such data in order to measure the quality of services being provided, to record consent etc. In certain circumstances recordings may be accessed e.g. to investigate alleged criminal activity or breaches of Organisation policy etc.
18. To comply with a principle in Data Protection law and the Data Protection Officer governance requirements
19. To comply with the Data Subject's rights
20. This is a regulatory requirement and allows the public to see what personal information we hold to support transparency
21. Where personal data is used for research purposes, the processing of the data can be legitimised by provisions within Data Protection law
22. To comply with the right of the Data Subject to have equivalent legal safeguards in place over their data in another country as they would here. Personal data transferred overseas (including hosted solutions) must be securely handled under the same or substantially similar provisions that exist under the Data Protection Act.
23. To comply with Article 9 of GDPR
24. To comply with Article 9 of GDPR and comply with a principle of Data Protection law requiring personal data is processed with appropriate security measures

How must I do it?

1. By following the points in this policy
2. By approving and reviewing a compliant privacy notice in line with the Privacy Notice Procedure and making it available to the data subjects
3. By completing and approving a Privacy Impact Assessment, or Data Protection Impact Assessment where the processing is 'high risk' to the rights of the data subjects.
4. By ensuring that the means we use to gather personal data (such as forms etc.) only ask for the information that is required in order to deliver the service.
5. By considering that anything committed to record about an individual may be accessible by that individual in the future or challenged over its accuracy.

6. For example, there should be at least an annual check of the currency of data held about service users and whenever contact is re-established with a service user, you should check that the information you hold about them is still correct.
7. By following the points in the Consent Procedure
8. By following the points in the Consent Procedure
9. By following the points in the Consent Procedure. Parents/ Guardians of pupils in the last year of a key stage should expect a communication to ask them to refresh their consents. If they do not respond ahead of a deadline date then consent should be assumed to be no longer valid.
10. By following the points in the Records Management Policy. We must review personal data regularly and delete information which is no longer required; although we must take account of statutory and recommended minimum retention periods. Subject to certain conditions, the law allows us to keep indefinitely personal data processed only for historical, statistical or research purposes. The Retention Schedule will give guidance in these areas.
11. By following the points in the Statutory Requests for Information Policy. We must be aware that data subjects can ask others to make a request on their behalf. There must be evidence of consent provided by the Data Subject to support this.
12. By following the points in the Statutory Requests for Information Policy. Such requests would typically be managed under the Freedom of Information Act (if from a member of the public) or under Data Protection or Justice law if for a criminal investigation, however the decision whether or not to disclose someone's personal data to a third party must satisfy the requirements of Data Protection law
13. By reviewing the impact of any requested change on any statutory duty being fulfilled by the Organisation.
14. By being aware through training and guidance from your manager on what information is appropriate for you to access to do your job. Systems and other data storage must be designed to protect access to personal data. You must inform your manager if you have access to data which you suspect you are not entitled to view.
15. By ensuring appropriate security controls are in place and rules to support those controls are followed. The following should be in place:
    - technical methods, such as encryption, password protection of systems, restricting access to network folders;
    - physical measures, such as locking cabinets, keeping equipment like laptops out of sight, ensuring buildings are physically secure; and
    - organisational measures, such as:
        - Providing appropriate induction and training so that staff know what is expected of them
        - Taking reasonable steps to ensure the reliability of staff that access personal data, for example, by the use of Disclosure and Barring Service (DBS) checks.
        - Making sure that passwords are kept secure, forced to be changed after an agreed period and are never shared
16. Consult your manager, any procedure guidance or any library of sharing agreements managed by the Organisation. Consult the Data Protection Officer or SIRO in one-off cases of sharing.
17. By ensuring that employees and members of the public are fully aware of what personal data is being recorded about them and why, and it what circumstances that data may be used. Operation of overt surveillance equipment such as CCTV must always be done in line with relevant

codes of practice captured in the Surveillance Management Procedure. Any covert surveillance must be done in line with the provisions in the Investigatory Powers Act (2016)

18. By completing compulsory training courses relevant to your role. Records will be kept of induction training and annual refresher training. Training content for each role will be determined by feedback on current training methods and the outcome of investigating security incidents. This will be reviewed frequently.
19. By ensuring an Impact Assessment has been approved for the activity
20. The entry should be reviewed annually and an update is to be made when any change to the purposes of processing personal data occur
21. Follow the guidance in the Data Minimisation Procedure
22. Consult the Data Protection Officer over any proposed sharing outside of the UK. If you are a manager who is proposing a change to or implementing a new system which may involve the hosting of personal data in a nation outside the UK, this must be first assessed by a Privacy Impact Assessment, which must be approved by your SIRO and Data Protection Officer
23. Special Categories of Personal Data are information revealing *racial or ethnic origin*, *political opinions*, *religious or philosophical beliefs*, or *trade union membership*, and *genetic data*, *biometric data* for the purpose of uniquely identifying an individual, *data concerning health* or *data concerning an individual's sex life or sexual orientation*. Where this data is held it should be stored securely and in a way that access is restricted only to those internal staff that have a valid need to access it. It should only be shared externally after verifying that the recipient is entitled to access this data and through secure means.
24. Hard-copy packages must be marked as such by writing on the exterior of the package. Emails should contain the wording in the 'subject' field before the email title. Refer to the Records of Processing Activity document and the register of Data Flows for clear instruction on how you are expected to handle sending the data securely according to the particular activity you are undertaking

What if I need to do something against the policy?

If you believe you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, please raise a formal request by contacting the school office.

Document Control

Version: 4

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Approved by: CCHSG Governing Body

Next review: June 2020

References

- Data Protection Act 2018 (including the General Data Protection Regulation 2016
- Article 8, The Human Rights Act 1998
- Education (Pupil Information) (England) Regulations 2005
- Investigatory Powers Act 2016

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.