

# Data Protection Policy



## Tannery Drift

First School

ROYSTON • HERTFORDSHIRE

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## 1. Aims

Tannery Drift First School aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998 and the General Data Protection Regulation (GDPR).

This policy applies to all data, regardless of whether it is in paper or electronic format.

## 2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#) and the [General Data Protection Regulation](#) it is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

## 3. Definitions

Term	Definition
<b>Personal data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive personal data</b>	Data such as: <ul style="list-style-type: none"><li>• Contact details</li><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li><li>• Physical and mental health</li><li>• Sexual orientation</li><li>• Genetic data</li><li>• Biometric data</li><li>• Whether a person has committed, or is alleged to have committed, an offence</li><li>• Criminal convictions</li></ul>
<b>Lawful processing</b>	Obtaining, recording or holding data in line with the legal bases available for processing personal data and special categories of data described in the GDPR.
<b>Data subject</b>	The person whose personal data is held or processed
<b>Data controller</b>	The organization who (either alone or in common

	with other people) determine the purpose for which, and the manner in which the data are processed.
<b>Data processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller.
<b>Data protection officer</b>	A person, independent of the data controller, who informs and advises the organization, monitors GDPR compliance, is the first point of contact for supervisory authorities and for individuals whose data is processed.

#### 4. The data controller

Tannery Drift First School processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller.

Our school delegates the responsibility of data controller to the Headteacher.

The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

#### 5. The data protection officer

Tannery Drift First School's named DPO is Pip McLachlan, contact c/o Tannery Drift First School Office.

#### 6. Data protection principles

The Data Protection Act 1998 and GDPR are based on the following data protection principles, or rules for good data handling:

Personal data should be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purposes.
- Adequate, relevant, and limited to what is necessary.
- Accurate and where necessary kept up to date.
- Kept in a form with permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed.
- Processed in a manner that ensures appropriate security of the personal data.
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data.

Data controllers are responsible for compliance with the principles and must be able to demonstrate this to data subjects and the regulator.

Our good practice will ensure transparency, control and accountability aligned with GDPR principles.

## 7. Roles and responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998 and GDPR.

Day-to-day responsibilities rest with the Headteacher, or the School Business Manager in the Headteacher's absence.

The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## 8. Privacy/fair processing notice

Under data protection law, individuals have a right to be informed about how Tannery Drift First School uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

### 8.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

For further details please refer to our privacy notice for parents/carers of Tannery Drift First School pupils, Appendix 1.

### 8.2 Staff

We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the school.

For further details please refer to our privacy notice for staff, Appendix 2.

## 9. Subject access requests

Under the Data Protection Act 1998 and GDPR, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

Subject access requests must be submitted in writing, either by letter to the DPO (Pip McLachlan c/o Tannery Drift First School office) or email [sar@tannerydrift.herts.sch.uk](mailto:sar@tannerydrift.herts.sch.uk).

Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will verify the identity of the person making the request using 'reasonable means'. This will usually involve a telephone call to the individual by the school office using a contact number held on school records.

The school will not reveal the following information in response to subject access requests:

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

If a subject access request does not relate to the educational record we will aim to respond within 30 calendar days. However, this may not be possible in the school holidays and in this case we will communicate expected time scales and strive to provide data in a timely manner.

If the data requested is the child's educational record see the procedure in section 10.

## 10. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

To request access please contact the Headteacher.

## 11. Storage of records

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), 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 pupils 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. The use of USB storage devices is discouraged.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

## 12. Disposal of records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely. For example, we will shred or incinerate paper-based records, and override electronic files. We may also use an outside company to safely dispose of electronic records.

The school has a data retention policy that has been formulated using advice from the DfE with retention periods documented for specific data sets. The DfE currently has a working party reviewing the guidelines and we will ensure our data retention policy is aligned with guidelines issued.

### 13. Data breach

A data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data. This includes breaches that are the result of both accidental and deliberate causes.

We have a 'report it always' culture that we encourage. This means we will record and investigate every data breach, however small. The data protection officer will monitor this log and if a particular system or process is identified as regularly having minor incidents the DPO and the school will take action to mitigate the risk.

In the event of a serious data breach involving the personal data for which the controller is responsible the DPO must report the breach to the Information Commissioner within 72 hours of the notification. ICO guidance will then be followed to minimise and assess the impact, and notify affected individuals.

### 14. Training

Our 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 or the school's processes make it necessary.

### 15. The General Data Protection Regulation

We acknowledge that the law is changing on the rights of data subjects and that although the deadline for implementation of the General Data Protection Regulation is 25<sup>th</sup> May 2018 there may be changes as this is passed into law.

We will review this policy and working practices when this new legislation takes effect and new guidelines are issued. We will provide ongoing training to members of staff and governors where appropriate.

### 16. Monitoring arrangements

The Governing Body is responsible for monitoring and reviewing this policy.

The Headteacher checks that the school complies with this policy by, among other things, reviewing school records on an annual basis.

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the governing board.

### 17. Links with other policies

This data protection policy and privacy notice is linked to the freedom of information publication scheme.

## Appendix 1

# Privacy Notice for Parents / Carers of Tannery Drift First School Pupils

Under data protection law, individuals have a right to be informed about how Tannery Drift First School uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, Tannery Drift First School, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Pip McLachlan.

### **The personal data we hold**

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

### **Why we use this data**

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing

### **Our legal basis for using this data**

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation

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- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

### **How we store this data**

We keep personal information about pupils while they are attending Tannery Drift First School. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our records management policy sets out how long we keep information about pupils. A copy of the records management policy together with our data protection policy can be found on the school website.

### **Data sharing**

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions*
- *The Department for Education*
- *The pupil's family and representatives*
- *Educators and examining bodies*
- *Our regulator- Ofsted*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for*
- *Financial organisations*
- *Health authorities*
- *Health and social welfare organisations*
- *Professional advisers and consultants*
- *Police forces, courts, tribunals*

### **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

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Some of this information is then stored in the [National Pupil Database \(NPD\)](#), which is owned and managed by the Department for Education and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) with any further questions about the NPD.

### **Transferring data internationally**

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.

### **Parents and pupils' rights regarding personal data**

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

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our data protection officer.

Parents/carers also have a legal right to access to their child's **educational record**. To request access, please contact the Headteacher.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing

- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

### **Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### **Contact us**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Pip McLachlan, c/o Tannery Drift First School Office

This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.

### Privacy Notice for Tannery Drift First School Staff

Under data protection law, individuals have a right to be informed about how Tannery Drift uses any personal data that we hold about them.

This privacy notice explains how we collect, store and use personal data about the staff we employ, or otherwise engage, to work at our school.

We, Tannery Drift First School, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Pip McLachlan

#### **The personal data we hold**

We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence / passport
- Photographs
- Data about your use of the school's information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Health, including any medical conditions, and sickness records

#### **Why we use this data**

The purpose of processing this data is to help us run the school, including to:

- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

## **Our lawful basis for using this data**

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

## **Collecting this information**

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we will make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

## **How we store this data**

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our record retention schedule/records management policy. Copies of which can be found on the school server.

## **Data sharing**

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and [maintained schools only] information about headteacher performance and staff dismissals*
- *The Department for Education*
- *Educators and examining bodies*
- *Our regulator - Ofsted*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll*
- *Financial organisations*
- *Health authorities*
- *Security organisations*
- *Professional advisers and consultants*
- *Police forces, courts, tribunals*
- *Professional bodies*

## **Transferring data internationally**

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.

Data Protection Policy

## Your rights

### How to access personal information we hold about you

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

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our data protection officer.

### Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Pip McLachlan, c/o the School Office

This notice is based on the Department for Education's model privacy notice for the school workforce, amended to reflect the way we use data in this school.

Tannery Drift First School

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Enjoyment – Achievement – Respect