



Weeke Primary School

Data Protection Policy

Date agreed: November 2023

Review date: November 2024

The school collects and uses personal information (referred to in the UK General Data Protection Regulation (UK GDPR) 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 the Data Controller, of the personal data that it collects and receives for these purposes.

The school has a Data Protection Officer (DPO), Katie Clayton, who is contactable via 01962 882710 or by email k.clayton@weeke.hants.sch.uk

The school issues Privacy Notices (also known as a Fair Processing Notices) to all pupils/parents and staff. These summarise the personal information held about pupils and staff, the purpose for which it is held and who it may be shared with. It also provides information about an individual's rights in respect of their personal data.

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 by the school and whether it is held on paper or electronically.

What is Personal Information/ data?

Personal information or data means any information relating to an identified or identifiable individual. An identifiable individual is one who can be identified, directly or indirectly by reference to details such as a name, an identification number, location data, an online identifier or by their physical, physiological, genetic, mental, economic, cultural or social identity. Personal data includes (but is not limited to) an individual's, name, address, date of birth, photograph, bank details and other information that identifies them.

Data Protection Principles

The UK GDPR establishes six principles as well as a number of additional duties that must be complied with at all times:

1. **Lawfulness, fairness and transparency.** Personal data shall be processed lawfully, fairly and in a transparent manner. In order for personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the UK GDPR. These include (amongst other relevant conditions) where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority exercised by the school.

Where the special categories of personal data are processed, this shall include (amongst other relevant conditions) where processing is necessary for reasons of substantial public interest.

When processing personal data and special category data in the course of school business, the school will ensure that these requirements are met where relevant.

2. **Purpose limitation.** Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (subject to exceptions for specific archiving purposes). The school will only process personal data for specific purposes and will notify those purposes to the data subject when it first collects the personal data or as soon as possible thereafter.

3. **Data minimisation.** Personal data shall be adequate, relevant and limited to what is necessary to the purposes for which they are processed and not excessive. Personal data which is not necessary for the purpose for which it is obtained will not be collected.

4. **Accuracy.** Personal data shall be accurate and where necessary, kept up to date; Personal data should be reviewed and updated as necessary and should not be retained unless it is reasonable to assume that it is accurate. Individuals should notify the school of any changes in circumstances to enable records to be updated accordingly. The school will be responsible for ensuring that updating or records takes place where appropriate.

5. Storage limitation. Personal data shall be kept in a form that permits the identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed. The school will not keep personal data for longer than is necessary for the purpose or purposes for which they were collected and will take reasonable steps to destroy or erase from its systems all data which is no longer required.

6. Integrity and confidentiality. Personal data shall be processed in a manner that ensures appropriate security of the personal data and which includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Duties

Personal data shall not be transferred to a country or territory outside the UK and the European Union (EU)/European Economic Area (EEA), unless that country or territory ensures an adequate level of data protection.

Data Controllers have a General Duty of accountability for personal data.

Commitment

The school is committed to maintaining the principles and duties in the UK GDPR at all times. Therefore the school will:

- Inform individuals of the identity and contact details of the data controller.
- Inform individuals of the contact details of the Data Protection Officer
- Inform individuals of the purposes that personal information is being collected and the basis for this.
- Inform individuals when their information is shared, and why and with whom unless the UK GDPR provides a reason not to do this.
- If the school plans to transfer personal data outside the UK and the EU/EEA the school will inform individuals and provide them with details of where they can obtain details of the safeguards for that information.
- Inform individuals of their data subject rights.
- Inform individuals that the individual may withdraw consent (where relevant) and that if consent is withdrawn that the school will cease processing their data although that will not affect the legality of data processed up until that point.
- Provide details of the length of time an individual's data will be kept
- Should the school decide to use an individual's personal data for a different reason to that for which it was originally collected the school shall inform the individual and where necessary seek consent.
- 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 that 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).
- Ensure that personal information is not transferred outside the UK and the EU/EEA without the appropriate safeguards.
- Ensure that all staff and governors are aware of and understand these policies and procedures.

Retention and Disposal of Personal Data

The school will dispose of personal data in a way which protects the rights and privacy of data subjects (e.g. shredding, disposal as confidential waste, secure electronic deletion) as appropriate.

The school maintains a Retention Schedule that is specific and relevant to the specific types of information retained. The schedule outlines the appropriate periods for retention in each case.

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 Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at www.ico.gov.uk

Review

This policy will be reviewed as deemed appropriate, but no less frequently than every three years. The policy review will be undertaken by the Data Protection Officer, Head Teacher, and Governors.

Contacts

If you have any enquires in relation to this policy, please contact is, Katie Clayton (DPO), who will also act as the contact point for any queries.

Appendix Guidance

1. Roles and responsibilities

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

Headteacher

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

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

2. 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 for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

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.

3. Personal data breaches

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 Head Teacher and 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 on the school secure network.
- 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 the school secure network.
- 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.