



# **Data Protection and Privacy Notices**

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**Author/owner: LGB**

## **Data Protection Policy**

At Newport Community School Primary Academy we are committed to working effectively to provide a secure environment to protect data that we hold and store. Whilst there is a statutory duty that is important, the fact that we store data about individuals means that we are responsible for your data - and that is a personal responsibility that we take very seriously. This policy, and the Privacy Notices, sets out how we look after and use data. The Policy sits alongside the overarching Tarka Learning Partnership Data Protection Policy.

### **What is the UK General Data Protection Regulation (UK GDPR)?**

This is a European Directive that was brought into UK law with an updated Data Protection Act 2018 (DPA) in May 2018. It was necessary as the old Data Protection Act had been in force for 20 years. Over time, technological advances meant that the law protecting individuals had to be updated.

The UK GDPR and DPA 2018 exist to look after individual's data. It is a series of safeguards for every individual. Information about individuals needs to be treated with respect and be secure.

The UK GDPR exists to protect individual rights in an increasingly digital world.

### **Who does it apply to?**

Everyone, including schools. As Public Bodies schools have more obligations than some small businesses. It is mandatory to comply with the UK GDPR and proposed provisions in the new Act.

We want to make sure information about pupils, parents, staff and volunteers is kept secure and within the law.

### **What is Data?**

Any information that relates to a living person that identified them. This can be by name, address or phone number for example. It also relates to details about that person, which can include opinions.

Some data is considered to be more sensitive, and therefore more important to protect. This is information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life and sexual orientation, genetic data, and biometric data where processed to uniquely identify a person.

Schools often collect sensitive data for DfE and LA requirements and of course pupil data may contain information about safeguarding, SEN or health needs. Information about other family members may also be on the school file.

Every school also has to publish a Privacy / Fair Processing Notice on the website.

Privacy Notices published on the school website (and listed in Appendices)

- Common to All Privacy Notice
- School Workforce Privacy Notice
- Pupil Privacy Notice
- School Trips Privacy Notice
- Governor Privacy Notice
- Job application Privacy Notice

### **What are the key principles of the UK GDPR?**

**Lawfulness, transparency and fairness**

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

### **Collect data for a specific purpose and use it for that purpose**

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

### **Limited collection**

Data controllers should only collect the minimum amount of data needed for a particular task or reason. If there is a breach or a hack only limited information can be lost.

### **Accuracy**

Data collected should be accurate, and steps should be taken to check and confirm accuracy. We do this when pupils join the school and check on an annual basis.

If a Data Subject feels that the information held is inaccurate, should not longer be held by the Controller or should not be held by the Controller in any event a dispute resolution process and complaint process can be accessed, using the suitable forms.

### **Retention**

Newport Community School Primary Academy has a Records Management Policy and Records Retention Schedule that explains how long we store records for. This is available on request/on the Tarka Learning Partnership website.

### **Security**

We have processes in place to keep data safe. That might be paper files, electronic records or other information. We maintain a separate Information Security Policy which is available on the Tarka Learning Partnership website.

There are minimal paper files. Files that exist are kept in locked cabinets. The school uses CPOM and BROMCOM systems to hold electronic files. These are password protected cloud based systems.

### **Who is a 'data subject'?**

Someone whose details we keep on file. Some details are more sensitive than others. The UK GDPR sets out collection of details such as health conditions and ethnicity which are more sensitive than names and phone numbers.

### **Data subjects' rights**

Individuals have a right:-

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

There are other rights that relate to automated decision making and data portability that are not directly relevant in schools.

Data subjects rights are also subject to child protection and safeguarding concerns, sharing

information for the prevention and detection of crime. Schools also have legal and contractual obligations to share information with organisations such as the Department for Education, Social Care, the Local Authority and HMRC amongst others. In some cases these obligations override individual rights.

### **Subject Access Requests**

You can ask for copies of information that we hold about you or a pupil (who you have parental responsibility for). This Subject Access Request process is set out separately. You need to fill out the form, and you may need to provide identification evidence for us to process the request.

We have to provide the information within a month, but this can be extended if, for example, the school was closed for holidays. The maximum extension is up to two months.

When we receive a request we may ask you to be more specific about the information that you require. This is to refine any queries to make sure you access what you need, rather than sometimes getting a lot of information that may not be relevant to your query.

In some cases we cannot share all information we hold on file if there are contractual, legal or regulatory reasons.

We cannot release information provided by a third party without their consent, or in some cases you may be better to approach them directly, e.g. school nurses who are employed by the NHS.

We will supply the information in an electronic form.

If you wish to complain about the process, please see our complaints policy and later information in this DPA policy.

### **Who is a 'data controller'?**

The Trust is the data controller. They have ultimate responsibility for how school manages data. They delegate this to data processors to act on their behalf.

### **Who is a 'data processor'?**

This is a person or organisation that uses, collects, accesses or amends the data that the controller has collected or authorised to be collected. It can be a member of staff, a third-party company, a governor, a contractor or temporary employee. It can also be another organisation such as the police or the LA.

Data controllers must make sure that data processors are as careful about the data as the controller themselves. The UK GDPR places additional obligations on organisations to make sure that Data Controllers require contractual agreements to ensure that this is the case.

### **Processing data**

School must have a reason to process the data about an individual. Our privacy notices set out how we use data. The UK GDPR has 6 conditions for lawful processing and any time we process data relating to an individual it is within one of those conditions.

If there is a data breach we have a separate procedure to follow (see below) to take immediate action to remedy the situation as quickly as possible.

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

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

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

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

Processing data is recorded within the school systems.

### **Data Sharing**

Data sharing is done within the limits set by the UK GDPR. Guidance from the Department for Education, health, the police, local authorities and other specialist organisations may be used to determine whether data is shared.

The basis for sharing or not sharing data is recorded in school.

### **Breaches & Non Compliance**

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

Protecting data and maintaining data subjects' rights is the purpose of this policy and associated procedures.

### **Consent**

As a school we will seek consent from staff, volunteers, young people, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required.

Consent is defined by the UK GDPR as "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her".

We may seek consent from young people also, and this will be dependent on the child and the reason for processing.

### **Consent and Renewal**

On the school website we have 'Privacy Notices' that explain how data is collected and used. It is important to read those notices as it explains how data is used in detail.

Obtaining clear consent and ensuring that the consent remains in place is important for school. We also want to ensure the accuracy of that information.

### **For Pupils and Parents/Carers**

On arrival at school you will be asked to complete a form giving next of kin details, emergency contact and other essential information. We will also ask you to give consent to use the information for other in school purposes, as set out on the data collection/consent form.

We review the contact and consent form on an annual basis. It is important to inform school if details or your decision about consent changes. A form is available.

### **Pupil Consent Procedure**

Where processing relates to a child under 13 years old, school will obtain the consent from a person who has parental responsibility for the child.

Pupil's may be asked to give consent or to be consulted about how their data is obtained, shared and used in certain situations.

### **Withdrawal of Consent**

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

Please complete the appropriate form.

### **CCTV Policy**

Please also see the CCTV and IT Security policy

- We use CCTV and store images for a period of time in line with the policy. CCTV may be used for:-
- Detection and prevention of crime
- Safeguarding children, staff and visitors
- To assist the school in complying with legal and regulatory obligations

### **Data Protection Officer**

We have a Data Protection Officer whose role is to:-

- to inform and advise the controller or the processor and the employees who carry out processing of their obligations under the UK GDPR
- to monitor compliance with the UK GDPR and DPA

- to provide advice where requested about the data protection impact assessment and monitor its performance
- To be the point of contact for Data Subjects if there are concerns about data protection
- to cooperate with the supervisory authority and manage the breach procedure
- to advise about training and CPD for the UK GDPR

Our DPO is John Walker

John@jawalker.co.uk

### **Physical Security**

In school, every secure area has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, i.e. locked. Offices and cupboards that contain personal data should be secured if the processor is not present.

The Headteacher and Office Manager are responsible for authorising access to secure areas along with the Caretaker and SLT members.

All Staff, contractors and third parties who have control over lockable areas must take due care to prevent data breaches.

### **Secure Disposal**

When disposal of items is necessary a suitable process must be used. This is to secure the data, to provide a process that does not enable data to be shared in error, by malicious or criminal intent.

These processes, when undertaken by a third party are subject to contractual conditions to ensure GDPR and DPA compliance.

### **Complaints & the Information Commissioner Office (ICO)**

The school Complaint Policy deals with complaints about Data protection issues.

There is a right to complain if you feel that data has been shared without consent or lawful authority.

You can complain if you have asked to us to erase, rectify, not process data and we have not agreed to your request.

We will always try to resolve issues on an informal basis, and then through our formal complaints procedure. Please complete the form, and we will contact you with more details about the timescale and process.

In the UK it is the ICO who has responsibility for safeguarding and enforcing the DPA obligations.

Email: [casework@ico.org.uk](mailto:casework@ico.org.uk) Helpline: 0303 123 1113 web: [www.ico.org.uk](http://www.ico.org.uk)

## **Review**

A review of the effectiveness of UK GDPR compliance and processes will be conducted by the Data Protection Officer every 12 months.

# Appendix 1

## Privacy Notice – Pupil Data

### Introduction

As a school we collect a significant amount of information about our pupils. This notice explains why we collect the information, how we use it, the type of information we collect and our lawful reasons to do so.

### Why do we collect data?

We collect and use pupil data to:-

- Fulfil our statutory obligations to safeguard and protect children and vulnerable people
- Enable targeted, personalised learning for pupils
- Manage behaviour and effective discipline
- Monitor our effectiveness
- Comply with our legal obligations to share data
- Support pupils to fulfil their potential
- Keep pupils, parents and carers informed about school events and school news

### Our Legal Obligations

We must make sure that information we collect and use about pupils is in line with the UK GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

The lawful basis for schools to collect information comes from a variety of sources, such as the Education Act 1996, Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013, Article 6 and Article 9 of the UK GDPR.

The Department for Education and Local Authorities require us to collect certain information and report back to them. This is called a 'public task' and is recognised in law as it is necessary to provide the information.

We also have obligations to collect data about children who are at risk of suffering harm, and to share that with other agencies who have a responsibility to safeguard children, such as the police and social care.

We also share information about pupils who may need or have an Education Health and Care Plan (or Statement of Special Educational Needs). Medical teams have access to some information about pupils, either by agreement or because the law says we must share that information, for example school nurses may visit the school.

Counselling services, careers services, occupational therapists are the type of people we will share information with, so long as we have consent or are required by law to do so.

We must keep up to date information about parents and carers for emergency contacts.

### How we use the data

In school we also use various third party tools to make sure that pupils best interests are advanced. We also record details about progress, attainment and pupil development to support future planning and learning.

We use software to track progress and attainment. (Bromcom)

We use data to manage and monitor pastoral needs and attendance/absences so that suitable strategies can be planned if required.

We use systems to take electronic payments for school meals and pay for school trips/activities. This includes financial software to manage school budgets, which may include some pupil data.

Data can be used to monitor school effectiveness, the impact of intervention and learning styles across groups of pupils as well as individual children.

We may use consultants, experts and other advisors to assist the school in fulfilling its obligations and to help run the School properly. We might need to share pupil information with them if this is relevant to their work.

We also use contact information to keep pupils, parents, carers up to date about school events.

### What type of data is collected?

The DfE and government requires us to collect a lot of data by law, so that they can monitor and support schools more widely, as well as checking on individual schools effectiveness.

The categories of pupil information that the school collects, holds and shares include the following:

Personal information – e.g. names, pupil numbers and addresses

Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility

Attendance information – e.g. number of absences and absence reasons

Assessment information – e.g. national curriculum assessment results

Relevant medical information and social care

Information relating to SEND and health needs

Behavioural information – e.g. number of temporary exclusions

CCTV, photos and video recordings of you are also personal information.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Georgie Gratton the school's Data Protection Administrator

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

**Contact:**

If you would like to discuss anything in this privacy notice, please contact Georgie Gratton

**More information about Data Protection and Our Policies**

How we manage the data and our responsibilities to look after and share data is explained in our Data protection Policy, and connected policies, which are also available on our website.

If you feel that data about your child is not accurate, or no longer needed please contact the schools office. Our complaints policy explains what to do if there is a dispute. Subject Access Requests are dealt with by the specific policy on the website.

## Appendix 2 – Common to all Privacy Notice

### Common to all privacy notice

#### The legal grounds for using your information

This is common for all personal and sensitive data we collect and process about staff, volunteers, pupils, parents, carers and any other individuals.

Some data is more sensitive than other types of data. These special categories are as follows: personal information revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic information, biometric information, health information, and information about sex life or orientation.

#### Consent

The school will ask for consent to process data about you or a pupil. The type of data that is to be used, and how it is to be used will be specified on the consent forms.

You have the choice to opt in for certain types of data usage, and this is made clear. However, some data that is collected and processed in schools is not optional.

#### Legitimate interests

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The School relies on legitimate interests for many of the ways in which it uses information.

Specifically, the school has a legitimate interest in:

- Providing educational services to pupils
- Safeguarding and promoting the welfare of pupils and staff
- Promoting the objects and interests of the school
- Ensuring the efficient operation of the school
- Compliance with all relevant legal obligations of the school
- Keeping the whole school community informed about events, news and activities

#### Necessary for a contract

Information about individuals may be necessary to perform our obligations under our contracts.

For example, maintaining the school Management Information System database.

#### Legal obligation

Much of school life is governed by legal obligations to supply information to organisations such as the Department for Education or Local Authority or HMRC. We may also have to disclose information to third parties such as the courts, Disclosure and Barring Service or the police where legally obliged to do so.

#### Vital interests

For example, to prevent someone from being seriously harmed or killed.

#### Public interest

The School considers that it is acting in the public interest when providing education. Certain regulations, DfE and Local Authority, health and other guidance may require the school to process data in the public interest.

#### Legal claims:

The processing is necessary for the establishment, exercise or defence of legal claims. This allows us to share information with our legal advisors and insurers.

### Your rights – what

#### What decisions can you make about your information?

From May 2018 data protection legislation gives you a number of rights regarding your information. Some of these are new rights whilst others build on your existing rights.

Your rights are as follows:

- you can ask what information we hold about you and be provided with a copy. Sometimes we are not able to share all the information, but this is set out in our Subject Access Policy
- if information is incorrect you can ask us to correct it
- you can ask us to delete the information that we hold about you or your child in certain circumstances. For example, where we no longer need the information;

- you can ask us to send you, or another organisation, certain types of information about you in a format that can be read by computer – this does not apply to pupil records as these are transferred by a DfE process called the Common Transfer File
- our use of information about you may be restricted in some cases. For example, if you tell us that the information is inaccurate we can only use it for limited purposes while we check its accuracy

If you disagree with any decision we make about your data you can use our complaints policy, you also have the right to make a complaint to the Information Commissioner, and sometimes to the Information Tribunal or through the court process. Our complaints policy is available on the website.

## Appendix 3 – Privacy Notice School Trips

### Privacy Notice – School Trips

When organising a school trip for pupils offsite, for any duration, it is important that necessary information is available or is shared with relevant third parties.

Information that may be shared will include both personal and special category, that is to say, more sensitive, data about pupils, staff and any volunteer helpers.

This may include, but is not limited to:-

- name;
- address;
- dates of birth;
- next of kin/emergency contact details;
- mobile numbers;
- landline numbers;
- email and other contact details;
- health and medication information;
- child protection information;
- pupil premium or other special status information;
- passport or other identity information as required.

This information will be contained securely as both hard copy and electronic information. This information will be shared as required with other third parties that can include transport providers, travel agency staff, venues, accommodation providers, immigration and/or police, and medical staff if it is necessary.

It is the responsibility of parents and carers for pupils attending trips to ensure that the relevant information is provided as requested.

Provision of this information is a requirement, failure to do so may result in the pupil's place on the trip being cancelled. Cancellation in these circumstances would not necessarily lead to a refund of any monies paid.

As we are processing data for the purposes of managing the school trip, the school's usual UK GDPR and data protection policy applies. Information about how the school controls and uses data is found within the main policy and also contained in the privacy notice that is on the school website in addition to the content of this notice.

## **Appendix 4 – Privacy Notice School Workforce**

### **Privacy Notice School Workforce**

This privacy notice explains how we collect, process and manage information for the school workforce. That includes employed members of staff, volunteers, including trustees and governors, trainee teachers, apprentices and work experience/workplace placements.

**The categories of school workforce information that we collect, process, hold and share include:**

- personal information (such as name, employee or teacher number, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- medical information
- other personal information
- references

**We use and share information to comply with statutory, regulatory, practice and contractual obligations. These may include, but are not limited to:-**

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- pay salaries and pension contributions
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring
- supporting the work of the School Teachers' Review Body
- comply with guidance such as 'Working Together' and safeguarding obligations
- facilitating good governance
- internal reviews and quality monitoring
- CPD and staffing issues

If we are required to comply with other legal obligations not listed above we will share data only when it is lawful to do so.

### **The lawful basis on which we collect and process this information**

We must make sure that information we collect and use about pupils is in line with the UK GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data, and that if we share that with another organisation or individual we must have a legal basis to do so.

The lawful basis for schools to collecting and processing information comes from a variety of sources, such as the Article 6 and Article 9 of the UK GDPR, the Safeguarding of Vulnerable Groups Act 2006. We also have obligations to organisations such as HMRC and the Department of Work and Pensions.

## **Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## **Storing this information**

We hold school workforce data for in accordance with our HR and Retention Policy

## **Who we share this information with**

We may share this information with organisations such as:

- our local authority
- the Department for Education (DfE)
- Safeguarding and protection for children and vulnerable adults
- Payroll services
- Legal Advisers
- Insurance providers
- HMRC
- Teacher Pension Scheme and the Local Government Pension Scheme (and other pension providers)
- Health professionals
- Occupational Health services
- Tarka Trust
- Disclosing and Barring Service

## **Why we share school workforce information**

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

### **Local authority**

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

### **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment.

We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

## **Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

### Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact Julia Camp – Office Manager

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

More details about how we use and manage data can be found in the 'Data Processing Notices – Common Principles and Processes', the Data protection Policy and other relevant policies for the School Workforce on the website.

# Appendix 5 – Privacy Notice for governors

## Privacy notice for governors

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

School Governors provide a vital role within our setting. Governors provide us with personal data and on occasion we share personal data with governors/trustees so that they can fulfil their obligations.

This privacy notice explains how we collect, store and use personal data about individuals who are governors.

### The personal data we hold

We process data relating to those we appoint, or otherwise engage as governor this may involve processing data about current office holders, or retaining data about those individuals who are no longer in role. Personal data that we may collect, use, store and share (when appropriate) about you may include, but is not restricted to:

- Contact details and copies of identification documents, including names, addresses, telephone numbers, email addresses, passport and birth certificates, visa details and other contact details;
- Date of birth, marital status and gender;
- Next of kin and emergency contact numbers;
- Bank account details (for the payment of expenses);
- Appointment information, including copies of right to work documentation, references and other information included in a CV or covering letter or as part of the appointment process;
- Qualifications and employment records, including work history, job titles, and professional memberships;
- DBS Certificate number and date of issue, prohibition from teaching and management checks, disqualification from childcare declaration form;
- Medical questionnaires and, where appropriate, information about an individual's health;
- Records of attendance at governing body and sub-committee meetings;
- Records and outcomes of any disciplinary, complaints and/or grievance procedures or other performance issues;
- Specimen signatures/signed mandates for delegated financial authority;
- Photographs and videos of participation in Schools' activities;
- CCTV footage captured by the Schools' CCTV system;
- Vehicle details for those who use the Schools' car parking facilities.(if relevant or delete)

### Special Category data

Some of the information we hold is what is classed as special category data. Special category data includes any information concerning racial or ethnic origin, political opinions, religious or philosophical beliefs, health, genetic or biometric data, and trade union membership. Where we need to process special category data we must fulfil an additional lawfully process, which is detailed below.

## **Why we use this data**

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

- Enable governors to be paid for any expenses they have incurred;
- Enable appropriate organisational contact (for example, lists of governors for both internal and external use, including publication on the School's website);
- Allow for delegated financial authority (for example, cheque signing, bank mandates, contract signing);
- Facilitate safe appointment of governors, as part of our safeguarding obligations towards pupils;
- Support effective assessment and monitoring of governor performance;
- Inform our appointment and retention policies;
- Assist with management planning and forecasting, research and statistical analysis, including that imposed by law (such as diversity or gender pay gap analysis and taxation records);
- Arrange travel and accommodation for training courses, meetings, conferences, excursions, trips, visits and tours;
- Provide access to and use of the Schools' IT systems and to monitor use thereof, in accordance with the Schools' Acceptable Use Policy;
- Order goods and services, including appropriate insurance and professional advice for the Schools;
- Maintain relationships with alumni and the Schools' community;
- Meet the legal requirements of the Charity Commission and Companies House if necessary;
- Ensure security of the School site (governor badges) and including CCTV in accordance with the Schools' CCTV policy

## **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:

- When you have given us consent to use it in a certain way;
- To fulfil a contract we have entered into with you;
- To comply with a legal obligation;
- To carry out a task in the public interest.

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

- We need to protect your vital interests (or someone else's interests);
- We have legitimate interests in processing the data.

To process special category data we need an additional lawful basis. We will process special category data most commonly where:

- We have your explicit consent;

- The processing is necessary under social security or social protection law;
- We are processing it in the vital interests of an individual;
- We are providing health care or treatment under the responsibility of a health professional.

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.

Where we are processing data on a legal or contractual basis, if you choose not to share this data with us, we may not be able to carry out our obligations under our contractual relationship with you, or engage you as a governor.

### **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.

Whenever we seek to collect information from you, we 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 a personnel file for each governor in paper copy and/or electronic form on the Schools' computer system. The information contained in this file is kept secure and is only used for purposes directly relevant to you holding the position of governor.

Once your appointment as a Governor of the Academy has ended, we will retain this file and delete the information in it in accordance with our Retention of Records Policy, a copy of which is available by contacting the Data Protection Co-ordinator.

### **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 a number of organisations and agencies that may include (but is not limited to):

- All relevant local authorities – to meet our legal obligations to share certain information with it, such as safeguarding concerns;
- The Department for Education;
- Educators and examining bodies;
- Our regulator, the Independent Schools Inspectorate;
- Suppliers and service providers – to enable them to provide the service we have contracted them for;
- Central and local government;
- Financial organisations, such as HMRC;
- Our auditors;
- Survey and research organisations, including universities;
- Police forces, courts, tribunals;

### **Other Information**

There is more information about how we manage, store and protect data in the Data Protection Policy on the website. This also includes details about how to access your data, how to contact the Information Commissioner or our Data Protection Officer if you have a query or concern about how data is being used or retained.

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

***This Notice***

*The Schools will update this Privacy Notice from time to time. Any substantial changes that affect your rights will be provided to you directly as far as is reasonably practicable*

## Appendix 6 – Privacy Notices Job Applicants

### Privacy Notice – Job Applicants

#### Introduction

When applying for a position in school, as an organisation we are the Data Controller. That means we have a statutory responsibility to explain how we collect, manage, use and store information about applicants.

You have a right to be informed about how our trust uses any personal data that we collect about you. This privacy notice, and our Data Protection Policy, explains our data usage when you apply for a job with us.

#### What information do we collect?

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

- Name, address and contact details, including email address and telephone number

- Copies of right to work documentation

- References

- Evidence of qualifications

- information about your current role, level of remuneration, including benefit entitlements

- Employment records, including work history, job titles, training records and professional memberships

We may also request and collect, use, store and share (when appropriate) information about you that falls into "special categories" of more sensitive personal data. This includes, but is not restricted to:

- Information about race, ethnicity, religious beliefs, sexual orientation and political opinions

- Whether or not you have a disability for which the school needs to make reasonable adjustments during the recruitment process

- Photographs and CCTV images captured in school

We may also collect, use, store and share (when appropriate) information about criminal convictions and offences.

We may also hold data about you that we have received from other organisations, including other schools and social services, and the Disclosure and Barring Service in respect of criminal offence data. We may choose to conduct an online search as part of the application process. Every school has statutory obligations that are set out in 'Keeping Children Safe in Education' and other guidance and regulations.

#### Why we use this data?

The school needs to process data to take steps at your request prior to entering into a contract with you. It may also need to process your data to enter into a contract with you.

The school needs to process data to ensure that it is complying with its legal obligations. For example, it is required to check a successful applicant's eligibility to work in the UK before employment starts.

The school has a legitimate interest in processing personal data during the recruitment process and for keeping records of the process. Processing data from job applicants allows the school to manage the recruitment process, assess and confirm a candidate's suitability for employment and decide to whom to offer a job. The school may also need to process data from job applicants to respond to and defend against legal claims.

The school may process information about whether or not applicants are disabled to make reasonable adjustments for candidates who have a disability. This is to carry out its obligations and exercise specific rights in relation to employment.

Where the school processes other special categories of data, such as information about ethnic origin, sexual orientation, disability or religion or belief, this is for equal opportunities monitoring purposes.

For some roles, the school is obliged to seek information about criminal convictions and offences. Where the school seeks this information, it does so because it is necessary for it to carry out its obligations and exercise specific rights in relation to employment.

The school will not use your data for any purpose other than the recruitment exercise for which you have applied.

#### How do we use the data?

Your information may be shared internally for the purposes of the recruitment exercise. This includes members of the HR and recruitment team, shortlisting and interview panel members involved in the recruitment process (this may include external panel members), and IT staff if access to the data is necessary for the performance of their roles.

The school will not share your data with third parties, unless your application for employment is successful and it makes you an offer of employment. As well as circulating your application and related materials to the appropriate staff at the school, we will share your personal information for the above purposes as relevant and necessary with:

- your referees.
- Disclosure & Barring Service (DBS) in order to administer relevant recruitment checks and procedures.
- UK Visas & Immigration (UKVI) in order to administer relevant recruitment checks and procedures.
- Where relevant and as required for some posts, the Teacher Regulation Authority checks

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 would go about withdrawing consent if you wish to do so.

### **Automated Decision Making and Profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

### **Collecting this data**

As a school, we have a legal obligation to safeguard and protect our pupils and also staff, volunteers and visitors to our setting. We collect the data for specific purposes.

### **What if you do not provide personal data?**

You are under no statutory or contractual obligation to provide data to the school during the recruitment process. However, if you do not provide the information, the school may not be able to process your application properly or at all.

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

Most of the data we hold about you will come from you, but we may also hold data about you from:

- Local authorities
- Government departments or agencies
- Police forces, courts, tribunals

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

The school takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties.

We will dispose of your personal data securely when we no longer need it.

We keep applicant data for a period of up to 6 months if an applicant is not successful.

Successful applicants who secure a position then come within the employee/school workforce provisions.

### **Transferring data internationally**

We do not share personal information internationally.

### **Your rights**

You have a right to access and obtain a copy of your data on request;

You can:

- require the school to change incorrect or incomplete data;
- require the school to delete or stop processing your data, for example where the data is no longer necessary for the purposes of processing; and
- object to the processing of your data where the school is relying on its legitimate interests as the legal ground for processing.

If you would like to exercise any of these rights, please contact the school office. If you believe that the school has not complied with your data protection rights, you can complain to the Information Commissioner.

### **Complaints**

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

Our complaints policy deals with the different stages of any complaint, and how this is managed within school. You can also contact our Data Protection Officer or contact the Information Commissioner's Office:

Report a concern online at <https://ico.org.uk/make-a-complaint/>

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:

Our data protection officer is:

John Walker of J.A.Walker, Solicitor – [info@jawalker.co.uk](mailto:info@jawalker.co.uk)

However, our data protection lead has day-to-day responsibility for data protection issues in our school.

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact Lauren Jacobs at the school office.