

## **DATA PROTECTION POLICY**

adopted from turn IT on



### Executive Summary:

- No updates

Reviewed by: Mike Lyons – Assistant Headteacher

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## 1. Executive Summary

The Misbourne aims to ensure that all data collected about staff, students, families and visitors is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR).

This policy applies to all data, regardless of whether it is in paper or electronic format. The new General Data Protection Regulation (GDPR) updates EU data protection laws. Being a Regulation (rather than a Directive), the majority of its provisions are directly applicable. GDPR builds on the 1995 European Data Protection Directive (The Directive). GDPR seeks to enhance data protection laws and is designed to address the challenges of the modern digital era. With an ever increasing amount of data being processed, the GDPR empowers data subjects to take control of their data.

This policy gives a summary of the legislation controlling the use of data inside and outside of the school and includes a summary of the steps that need to be taken to keep data and its subject safe during its use, storage and destruction after use.

## 2. Legislation and Guidance

This policy meets the requirements of the General Data Protection Regulation (GDPR), and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education.

This policy also complies with other Academy Funding Agreements and Articles of Association.

## 3. Definitions

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
Sensitive personal data	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>• Whether a person has committed, or is alleged to have committed, an offence</li><li>• Criminal convictions</li></ul>
Processing	Obtaining, recording, storing, altering or destruction data
Data subject	The living individual whose personal data is held or processed

Data controller	A person or organisation that determines the purpose for which, and the way personal data is processed
Data processor	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

## 4. The Data Controller

The Misbourne processes personal information relating to students, staff, parents, students' emergency contacts and visitors, and, therefore, is a data controller.

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

## 5. Data Protection Principles

The GDPR is based on the following data protection principles, or rules for good data handling:

- data shall be processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

## 6. Roles and responsibilities

The Governors have overall responsibility for ensuring that The Misbourne complies with its obligations under the GDPR.

Day-to-day responsibilities rest with the Headteacher. 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.

Data breach reporting is mandatory under the GDPR and all staff are aware of their obligation to report data breaches without delay.

## **7. Privacy/Fair Processing Notice**

### **7.1 Students and parents**

We hold personal data about students to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about students from other organisations including, but not limited to, other schools, Local Authorities, the Department for Education and the National Health Service.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on student characteristics, such as ethnic group or Special Educational Needs and Disabilities
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about students with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this Policy.

Once our students reach the age of 13, we are legally required to pass on certain information to the youth support services provider in our area, known as Adviza, which has responsibilities in relation to the education or training of 13-19 year-olds. Family members, or students, if aged 16 or over, can request that only their name, address and date of birth be passed to Adviza by informing their Head of Year.

We are required, by law, to pass certain information about students to specified external bodies, such as but not limited to, our Local Authority and the Department for Education, so that they can meet their statutory obligations.

### **7.2 Staff**

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

- enable individuals to be paid
- facilitate safer recruitment practice
- support the effective performance management of staff
- improve the management of workforce data across the education sector
- inform our recruitment and retention policies
- allow better financial modelling and planning
- enable monitoring of people with, and without, Protected Characteristics under the Equality Act
- support the work of the School Teachers' Review Body

Staff personal data includes, but is not limited to, information such as:

- contact details, next of kin
- National Insurance numbers
- salary information
- qualifications
- absence data
- personal characteristics/protected characteristics
- medical information
- outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to. This may include advisers such as our Occupational Health and our Human Resources advisers. We are required, by law, to pass certain information about staff to specified external bodies, such as our Local Authority and the Department for Education, so that they can meet their statutory obligations. Any staff member wishing to see a copy of information about them that the school holds should contact the Headteacher.

## **8. Subject Access Requests**

Under the GDPR, Staff, Students and Families have a right to request access to information The Misbourne holds about them. This is known as a Subject Access Request. Subject Access Requests must be submitted in writing, either by letter or email. Requests should include:

- The subjects name
- A correspondence address
- A contact number and email address
- Details about the information requested

The Misbourne 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 subject 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

Subject Access Requests for all or part of the student's educational record will be provided within 15 school days.

If a Subject Access Request does not relate to the educational record, we will respond within 1 calendar month.

We reserve the right to charge for requests which are deemed to be excessive.

## **9. Parental Requests to see the Educational Record**

Families of students at The Misbourne do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such requests, and we will bear in mind guidance issued from time to time from the Information Commissioner's Office (the organisation that upholds information rights).

For a family 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.

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 families of students at The Misbourne may not be granted without the express permission of the student.

If families ask for copies of information, they will be required to pay the cost of making the copies.

## **10. Data Accuracy**

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs The Misbourne of a change of circumstances his/her computer records will be updated as soon as is practicable.

Data Checking Sheets for students will be provided to data subjects so they can check its accuracy and make any amendments as follows:

On entry to Year 7  
On entry to any other year group  
Entry to the Sixth Form

For Staff Data Checking Sheets will be issued every 12 months

Where a data subject challenges the accuracy of his/her data The Misbourne will immediately mark the record as potentially inaccurate, or "challenged". In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body under the formal Complaints Procedure.

## **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. Staff must adhere to school policies and procedures when taking data off site.
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, online resources, laptops and other electronic devices.

- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices. Encryption, anonymisation and pseudonymisation will be used to protect the data.
- Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures for academy-owned equipment.
- Governors are required to use school email addresses and use cloud storage for sharing information and data.
- GDPR compliant cloud storage will be used for all online data storage.

## 11. Disposal of Records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely according to the The Misbourne's Destruction Policy.

For example, we will shred paper-based records, and override electronic files. We also use an outside company to convert paper records to electronic and to shred documents on site.

## 12. Training

Our staff and governors are provided with data protection training as part of their induction process and this is refreshed annually each year.

Data protection will also form part of continuing professional development, where changes to legislation or the academy's processes make it necessary to keep staff up to date.

## 13. Monitoring Arrangements

The Assistant Headteacher Data and Assessment is responsible for monitoring and reviewing this policy. The Misbourne's Data Protection Officer checks that the school complies with this policy by, among other things, reviewing school records at least annually or more frequently if required.

This document will be reviewed **every 2 years**.

At every review, the policy will be shared with the Organisational Committee

## 14. Links with other policies

This Data Protection Policy is linked to:

- The Remote Working Policy
- The Freedom of Information Publication Scheme
- Privacy Notice (Student and Parent)
- Privacy Notice (Staff)
- Records Management Policy
- Use of Email Policy
- Data Destruction Policy



- Record Retention Policy

## 15. Contact

If you would like to discuss anything in this privacy, In the first instance please contact the School lead below:

Position	Name	Email	Phone
School lead	Mike Lyons	mlyons@themisbourne.co.uk	01494 862869
Data Protection Officer	Darryl Smith	dpo@turniton.co.uk	01865 597620 (option 3)