

**Data Protection Policy**

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| **Date:** | January 2021 |
| **Date approved by Management Committee:** | January 31st 2021 |
| **Signature of Chair of Management Committee** | Sue Cain |
| **To be reviewed:** | Annually |

This policy has been written with reference to obligations and guidance under the GDPR and associated Data Protection Bill (replacing the Data Protection Act 1998) and the Information Commissioners Office (ICO). It should also be read in conjunction with the School’s Freedom of Information Policy and Publication Scheme and the School’s Privacy Notice (appendix 2), located on the School’s website and CCTV Policy.

**Introduction**

The school collects and uses certain types of personal information about employees, students, parents and other individuals who come into contact with the school in order toprovide education and associated functions. In addition, the school may be required by law to collect and use certain types of information to comply with statutory obligations of Local (Education) Authorities (LAs), government agencies and other bodies.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the GDPR and associated Data Protection Bill. It applies to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

The school is the Data Controller under the Act and is registered with the ICO. The Data Protection Officer will ensure that all personal information is processed in compliance with this Policy and the GDPR and associated Data Protection Bill.

All members of staff involved with the collection, processing and disclosure of personal information are made aware of their duties and responsibilities within the GDPR.

**Definitions**

“Processing” refers to any action involving personal information, including obtaining, viewing, recording, copying, amending, adding, deleting, extracting, storing, disclosing, destroying or otherwise using information.

In this policy any reference to students, parents, carers and other individuals who come into contact with the school as part of the provision of education and associated functions of the school, includes current, past or prospective students, parents, carers and other individuals as described.

**Data Protection Principles**

The School will comply with the Data Protection Principles as laid down in the GDPR:

1. Data will be processed fairly and lawfully.
2. Personal data will be obtained only for specific and lawful purposes.
3. Personal data will be adequate, relevant and not excessive in relation to the purpose(s) for which it is processed.
4. Personal data will be accurate and kept up to date.
5. Personal data processed for any purpose(s) will kept in line with the legal retention schedule.
6. Personal data will be processed in accordance with the rights of data subjects under the GDPR.
7. Appropriate technical and organisational measures will be taken to prevent unauthorised or unlawful processing of personal data and accidental loss or destruction of, or damage to, personal data.
8. Personal data will not be transferred internationally

The school is committed to maintaining these principles at all times. This means that the school will:

* State for what purposes and how we will use information when we collect it and if information will be shared, we will tell you why, with whom and under what circumstances (see appendix 1 & 2 for full details of the personal data processed by the school and how we will use it).
* Check the quality and accuracy of the information we hold.
* Apply retention guidance to ensure that information is not held longer than is necessary.
* Ensure that when information is authorised for disposal it is disposed of appropriately.
* Ensure that there are appropriate security measures to safeguard personal information whether that is held in paper files or on our computer system.
* Share personal information with others only when it is necessary and legally appropriate to do so.
* Set out clear procedures for responding to requests for access to personal information.
* Train our staff so that they are aware of our policies and procedures.

**Special Category Personal Data**

Special Category Personal Data includes information relating to:

* Racial or ethnic origin.
* Political opinions.
* Religious or philosophical beliefs.
* Trade-union membership.
* Health (physical and mental) and sexual orientation.
* Criminal offences.

All other data relating to an individual is simply referred to as ‘personal data’.

Where personal data is processed by the school, the explicit affirmative consent of the appropriate individual will be required in writing.

**Access to personal information**

Employees, students and others in the school have the right of access to any personal information that is being kept about them.

A request to access personal data must be made to the Data Protection Officer either by email, in writing, in person or by telephone. On receipt of this request the data protection officer may ask for further information as to the nature of the request and if there is anything specific that is required.

Before any personal data is released, proof of identity will be required in the form of official documentation such as passport, driving licence, council tax notice etc. or unless the individual requesting the personal data is known to the school.

The Data Protection Officer will acknowledge receipt of this request as soon as reasonably possible and will comply with the request within 30 calendar days, once identity has been proven.

Access to non-personal data will be dealt with under the Freedom of Information Act 2000, details of which can be found in our Freedom of Information Policy and Publication Scheme, available on the School’s website.

**Complaints**

Complaints under this policy can be made with reference to the guidance available in our Complaints Policy and Procedures.

**Monitoring and Evaluation**

This Policy has been reviewed in response to the introduction of the GDPR and will be thereafter reviewed annually. The Data Protection officer will oversee the implementation of this policy and related procedures.

**Roles and Responsibilities**

Data Protection Officer is Claire Fletcher

Management Committee member responsible for Data Protection Sue Cain

**UNICEF - UNCRC**

The UN Convention of the Rights of the Child sets out human rights of every person under 18 and applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background (Article 2).

Articles directly relating to this policy are:

Article 2 (Non-discrimination)

Article 3 (best interests of the child)

Article 5 (Parental guidance and a child’s evolving capacities)

Article 8 (Protection and preservation of identity)

Article 12 (Respect the views of the child)

Article 16 (Right to privacy)

Article 17 (Access to information from the media)

Article 28 (Right to education)

Article 29 (Goals of education)

Article 41 (Respect for higher national standards)

**Appendix 1**

**Personal Data Processed by Bishopton**

**Description of processing**

The following is a description of the way the school/data controller processes personal information. To understand how an individual’s personal information is processed, an individual may need to refer to any personal communications received, check any privacy notices the school has provided or contact the school to ask about personal circumstances.

**Reasons/purposes for processing information**

The school processes personal information to enable us to:

* provide education, training, welfare and educational support services
* administer school property
* maintain our own accounts and records
* carry out fundraising
* support and manage our employees

We also use CCTV systems to monitor and collect visual images for security, safeguarding and the prevention of crime.

**Personal Data processed**

This information includes:

* name and personal details
* family, lifestyle and social circumstances
* financial details
* education details
* employment details
* student and disciplinary records
* vetting checks
* goods and services
* visual images, personal appearance and behaviour

We also process Special Category Personal Data:

* physical or mental health details
* racial or ethnic origin
* religious or other beliefs of a similar nature
* trade union membership
* sexual characteristics
* offences and alleged offences

**Who the information is processed about**

We process the Personal Data of:

* our students
* advisers and other professional experts
* school staff
* school Management Committee
* donors and potential donors
* suppliers
* complainants and enquirers
* individuals captured by CCTV images

**Who the information may be shared with**

We sometimes need to share the personal information we process with the individual themselves and also with other organisations. Where this is necessary, we comply with all aspects of the GDPR and associated Data Protection Bill.

Where necessary or it is required of us by law, we share information with:

* education, training, careers and examining bodies
* school staff and governors
* family, associates and representatives of the person whose personal data we are processing
* local and central government
* healthcare professionals
* social and welfare organisations
* police forces
* courts
* current, past or prospective employers
* voluntary and charitable organisations
* business associates and other professional advisers
* suppliers and service providers
* financial organisations
* security organisations

**Transfers**

We do not transfer data internationally.

**Appendix 2**

**How We Use Student Information**

**1. Privacy Notice for Parents/Carers**

Under data protection law, individuals have a right to be informed about how Bishopton uses any personal data that we hold about them. We comply with this right by providing ‘privacy notices’ to individuals where we are processing their personal data.

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

We, Bishopton are the ‘data controller’ for the purposes of data protection law.

Our Data Protection Officer is Claire Fletcher

**The personal data we hold**

Personal data that we collect, use, store and share (when appropriate) about students:

* Contact details, contact preferences, date of birth, identification documents.
* Student and curricular records.
* Half termly teacher assessments and any summative assessment performance, internal and external.
* Departmental assessments, tracking progress against targets.
* Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
* Exclusion information.
* Achievement and behaviour records.
* Details of any medical conditions, including physical and mental health.
* Attendance information.
* Membership of any school team or club.
* Involvement in school trips/visits.
* Safeguarding information.
* Details of any support received, including care packages, plans and support providers.
* Photographs.
* CCTV images captured in school.
* Pupil Risk and Positive Handling Assessment

We may also hold data about students 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 student learning.
* Monitor and report on student progress.
* Provide appropriate pastoral care.
* Protect student welfare.
* Assess the quality of our services.
* Administer admissions waiting lists.
* Comply with the law regarding data sharing.

**Our legal basis for using this data**

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

* We need to comply with a legal obligation.
* We need it to perform an official task in the public interest.

Less commonly, we may also process students’ 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 students’ 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 students’ 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 students 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 students while they are attending our 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 record retention schedule sets out how long we keep information about students.

A copy of our retention schedule can be obtained by emailing bishoptonpru@sbcschools.org.uk

**Data sharing**

The school shares personal data about students with the third parties listed below.

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

Where it is necessary or a legal requirement (and it complies with the GDPR) we may share personal information about students 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 student’s family and representatives.
* Educators and examining bodies – Further education institutions, Exam Boards.
* Our regulator – Ofsted.
* Suppliers and service providers – to enable them to provide the service we have contracted them for – Alternative education provision
* Financial organisations.
* Central and local government.
* Our auditors.
* Survey and research organisations.
* Health authorities.
* Health and social welfare organisations.
* Professional advisers and consultants.
* Charities and voluntary organisations.
* Professional bodies.

**National Student Database**

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

Some of this information is then stored in the [National Student Database](https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information) (NPD), which is owned and managed by the Department 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](https://www.gov.uk/data-protection-how-we-collect-and-share-research-data).

You can also [contact the Department for Education](https://www.gov.uk/contact-dfe) with any further questions about the NPD.

**Youth support services**

Once our students reach the age of 13, we are legally required to pass on certain information about them to Youth Direction, as it has legal responsibilities regarding the education or training of 13-19 year-olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers.

Parents/carers, or students once aged 16 or over, can contact our data protection officer to request that we only pass the individual’s name, address and date of birth to Youth Direction.

**Transferring data internationally**

We do not transfer data internationally.

**Parents and students’ 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 subject access request, please complete the SAR form, available on request from the Data Protection Officer and returned to the DPO via the email address: bishoptonpru@sbcschools.org.uk or by post.

Parents/carers also have a legal right to access to their child’s educational record. To request access, please contact our Data Protection Officer.

**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**:

Julie Toth

Email: julie.toth@sbcschools.org.uk

*This notice is based on the* [*Department for Education’s model privacy notice*](https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices) *for students, amended for parents and to reflect the way we use data in this school. This notice complies with the General Data Protection Regulations and associated Data Protection Bill.*