Statutory Policy

Category	Pupil well-being and safeguarding

Data Protection Policy

Chair signed:	Shared with staff	October 2021
	Ratified by Governing Body	11.11.2021
Headteacher signed:	Review frequency	Every 2 years
	Reviewed date(s)	

Contents

Pre-amble: School Vision, Ethos and Values

Dr Walker's is a mixed Church of England Voluntary Controlled Primary School in Fyfield, Ongar, Essex.

We support all pupils to succeed in reaching their God given potential at Dr Walker's – 'An Exceptional Place to Flourish', by developing

- **Belief** in self and the development of confidence, respect and trust for others and an appreciation of spirituality and an understanding of faith in God;
- **Engagement** in a love for learning by nurturing curiosity and independence; and
- **Excellence** in reaching personal goals by demonstrating resilience and positive behaviour.

Our CHRISTIAN VALUES are reflected in:

- **Standing with COURAGE for what is right.**
- **Using CREATIVITY in problem solving and making life beautiful.**
- **Treating every person and everything with RESPECT.**
- **Having COMPASSION for others.**
- **Completing every task with PERSEVERANCE.**
- **Taking RESPONSIBILITY for ourselves.**
- **Living with HOPE for a better future.**

At Dr Walker's we provide every pupil with the care and support they need to develop as individuals and become educated and successful British Citizens who understand the importance of the following British values:

- **Democracy**
- **The rule of law**
- **Individual liberty**
- **Mutual respect and**
- **Tolerance of those with different faiths and beliefs.**

Acknowledgement and Document Control

This policy is adopted and adapted from Essex County Council (ECC) - Information Governance Framework Documents' *Model Data Protection Policy.*

- Version : 6

References

- Data Protection Act 2018 (including the General Data Protection Regulation 2016
- Article 8, The Human Rights Act 1998
- Education (Pupil Information) (England) Regulations 2005
- Investigatory Powers Act 2016

Introduction

- General rules in complying with Data Protection law.
- Policy points are numbered. The numbering corresponds to explanations of 'why?' and 'how?' for each point further down the page.

Breach Statement

Breaches of Information Policies will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

What must I do?
Why must I do it?
How must I do it?

	What must I do?	Why must I do it?	How must I do it?
1	All employees must **comply** with the requirements of Data Protection Law and Article 8 of the Human Rights Act when processing the personal data of living individuals.	• To comply with legislation.	• By following the points in this policy.
2	Where personal data is used, we must make sure that the data subjects have access to a complete and current **Privacy Notice.**	• To comply with Data Protection legislation which requires us to make the data subject aware of how we will handle their personal data.	• By approving and reviewing a compliant privacy notice in line with the Privacy Notice Procedure and making it available to the data subjects.
3	We must formally **assess** the risk to privacy rights introduced by any new (or change to an existing) system or process which involves the use of personal data.	• To ensure that the rights of the Data Subject are protected in any proposed new activity or change to an existing one.	• By completing and approving a Privacy Impact Assessment, or Data Protection Impact Assessment where the processing is 'high risk' to the rights of the data subjects.
4	We must process only the **minimum** amount of personal data necessary to deliver services.	• The law states that we must only process the minimum amount of information needed to carry out our business purpose. • It is not acceptable to hold information on the basis that it might possibly be useful in the future without a view of how it will be used. Changes in circumstances or failure to keep the information up to date may mean that information that was originally adequate becomes inadequate.	• By ensuring that the means we use to gather personal data (such as forms etc.) only ask for the information that is required in order to deliver the service.
5	All employees who record **opinions** or intentions about service users must do so carefully and professionally.	• To maintain professional standards and to assist in defending the validity of such comments if the data subject exercises their rights to ask us to amend or delete their personal data if they feel it to be inaccurate.	• By considering that anything committed to record about an individual may be accessible by that individual in the future or challenged over its accuracy.
6	We must take reasonable steps to ensure the personal	• To comply with a principle of Data	• For example, there should be at least an

	data we hold is **accurate**, up to date and not misleading.	Protection law.	annual check of the currency of data held about service users and whenever contact is re-established with a service user, you should check that the information you hold about them is still correct.
7	We must rely on **consent** as a condition for processing personal data only if there is no relevant legal power or other condition.	• To comply with Data Protection law. Where processing does not rely on a legal condition other than consent.	• By following the points in the Consent Procedure
8	Consent must be obtained if personal data is to be used for **promoting or marketing** goods and services.	• When using personal data for marketing and promoting services it is unlikely that any lawful condition other than consent would apply.	• By following the points in the Consent Procedure.
9	Consent will **expire** at the end of each 'Key Stage' period unless it is reconfirmed.	• Consent can only be valid for a reasonable period of time.	• By following the points in the Consent Procedure. • Parents/ Guardians of pupils in the last year of a key stage should expect a communication to ask them to refresh their consents. • If they do not respond ahead of a deadline date then consent should be assumed to be no longer valid.
10	We must ensure that the personal data we process is reviewed and **destroyed** when it is no longer necessary.	• To comply with a principle of Data Protection law.	• By following the points in the Records Management Policy. • We must review personal data regularly and delete information which is no longer required; although we must take account of statutory and recommended minimum retention periods. • Subject to certain conditions, the law allows us to keep indefinitely personal data processed only for historical, statistical or research purposes. • The Retention Schedule will give guidance in these areas.
11	If we receive a **request** from	• To comply with the right	• By following the points

	a member of the public or colleagues asking to access their personal data, we must handle it as a Subject Access Request under the Data Protection Act 2018 or a request for the Education Record under the Education (Pupil Information) (England) Regulations 2005	to access personal data	in the Statutory Requests for Information Policy. • We must be aware that data subjects can ask others to make a request on their behalf. • There must be evidence of consent provided by the Data Subject to support this.
12	If we receive a request from anyone asking to access the personal data of **someone other than themselves**, we must fully consider Data Protection law before disclosing it.	• To comply with a principle of Data Protection law.	• By following the points in the Statutory Requests for Information Policy. • Such requests would typically be managed under the Freedom of Information Act (if from a member of the public) or under Data Protection or Justice law if for a criminal investigation, however the decision whether or not to disclose someone's personal data to a third party must satisfy the requirements of Data Protection law.
13	When someone contacts us requesting we change the way we are processing their personal data, we must consider their **rights** under Data Protection law.	• To comply with the rights of the Data Subject under Data Protection law.	• By reviewing the impact of any requested change on any statutory duty being fulfilled by the Organisation.
14	***MUST NOT***: You must not access personal data which you have **no right to view.**	• Personal data must be protected by effective security controls to ensure that only those with approved business need to access the data can do so.	• By being aware through training and guidance from your manager on what information is appropriate for you to access to do your job. • Systems and other data storage must be designed to protect access to personal data. • You must inform your manager if you have access to data which you suspect you are not entitled to view.
15	You must follow system user **guidance** or other formal processes which are in place to ensure that only those with a business need to access personal data are able to do so.	• Personal data must be protected by effective security controls to ensure that only those with approved business need to access the data can do so.	• By ensuring appropriate security controls are in place and rules to support those controls are followed. • The following should be in place:

			• technical methods, such as encryption, password protection of systems, restricting access to network folders; • physical measures, such as locking cabinets, keeping equipment like laptops out of sight, ensuring buildings are physically secure; and • organisational measures, such as: ○ Providing appropriate induction and training so that staff know what is expected of them ○ Taking reasonable steps to ensure the reliability of staff that access personal data, for example, by the use of Disclosure and Barring Service (DBS) checks. ○ Making sure that passwords are kept secure, forced to be changed after an agreed period and are never shared.
16	You must **share** personal data with external bodies who request it only if there is a current agreement in place to do so or it is approved by the Data Protection Officer or SIRO.	• To comply with the legal requirements to keep personal secure but also to ensure that where there are legal grounds to share information in a managed way that this is done correctly.	• Consult your manager, any procedure guidance or any library of sharing agreements managed by the Organisation. • Consult the Data Protection Officer or SIRO in one-off cases of sharing.
17	Where the content of telephone calls, emails, internet activity and video images of employees and the public is **recorded, monitored and disclosed** this must be done in compliance with the law and the regulator's Code of Practice.	• The law permits organisations to hold such data in order to measure the quality of services being provided, to record consent etc. In certain circumstances recordings may be accessed e.g. to investigate alleged criminal activity or breaches of Organisation policy etc.	• By ensuring that employees and members of the public are fully aware of what personal data is being recorded about them and why, and it what circumstances that data may be used. Operation of overt surveillance equipment such as CCTV must always be done in line with

			relevant codes of practice captured in the Surveillance Management Procedure. Any covert surveillance must be done in line with the provisions in the Investigatory Powers Act (2016).
18	All employees must be **trained** to an appropriate level, based on their roles and responsibilities, to be able to handle personal data securely. This training must be regularly refreshed to ensure knowledge remains current.	• To comply with a principle in Data Protection law, regulatory guidance and the Data Protection Officer governance requirements.	• By completing compulsory training courses relevant to your role. Records will be kept of induction training and annual refresher training. • Training content for each role will be determined by feedback on current training methods and the outcome of investigating security incidents. • This will be reviewed frequently.
19	When using **'data matching'** techniques, this must only be done for specific purposes in line with formal codes of practice, informing service users of the details, their legal rights and getting their consent where appropriate.	• To comply with the Data Subject's rights.	• By ensuring an Impact Assessment has been approved for the activity.
20	We must pay an annual Data Protection Fee	• This is a regulatory requirement.	• The payment must be made annually to the ICO.
21	Where personal data needs to be anonymised or pseudonymised, for example for **research purposes**, we must follow the relevant procedure.	• Where personal data is used for research purposes, the processing of the data can be legitimised by provisions within Data Protection law.	• Follow the guidance in the Data Minimisation Procedure.
22	***MUST NOT***: You must not **share** any personal data held by us with an individual or organisation based in any country outside of the United Kingdom without seeking advice from the SIRO or Data Protection Officer.	• To comply with the right of the Data Subject to have equivalent legal safeguards in place over their data in another country as they would here. Personal data transferred overseas (including hosted solutions) must be securely handled under the same or substantially similar provisions that exist	• Consult the Data Protection Officer over any proposed sharing outside of the UK. • If you are a manager who is proposing a change to or implementing a new system which may involve the hosting of personal data in a nation outside the UK, this must be first assessed by a Privacy Impact

		under the Data Protection Act.	Assessment, which must be approved by your SIRO and Data Protection Officer.
23	We must identify **Special Categories** of personal data and make sure it is handled with appropriate security and only accessible to authorised persons.	• To comply with Article 9 of GDPR.	• Special Categories of Personal Data are information revealing *racial or ethnic origin*, *political opinions*, *religious or philosophical beliefs*, or *trade union membership*, and *genetic data*, *biometric data* for the purpose of uniquely identifying an individual, *data concerning health* or *data concerning an individual's sex life or sexual orientation*. • Where this data is held it should be stored securely and in a way that access is restricted only to those internal staff that have a valid need to access it. • It should only be shared externally after verifying that the recipient is entitled to access this data and through secure means.
24	When **sending** Special Category data to an external person or organisation, it should be marked as "OFFICIAL-SENSITIVE" and where possible, sent by a secure method.	• To comply with Article 9 of GDPR and comply with a principle of Data Protection law requiring personal data is processed with appropriate security measures.	• Hard-copy packages must be marked as such by writing on the exterior of the package. Emails should contain the wording in the 'subject' field before the email title. • Refer to the Records of Processing Activity document and the register of Data Flows for clear instruction on how you are expected to handle sending the data securely according to the particular activity you are undertaking.

What if I need to do something against this policy?

If you believe you have a valid business reason for an exception to these policy points, having read and understood the reasons why they are in place, please raise a formal request by contacting Essex County Council's **Information Governance Support** (IGS):

- **Phone:** *0333 032 2970*
- **Email:** *igs@essex.gov.uk*

If you believe the policy does not meet your business needs, you may raise this with your Information Champion who, if they agree with your suggestion, may propose a policy change.