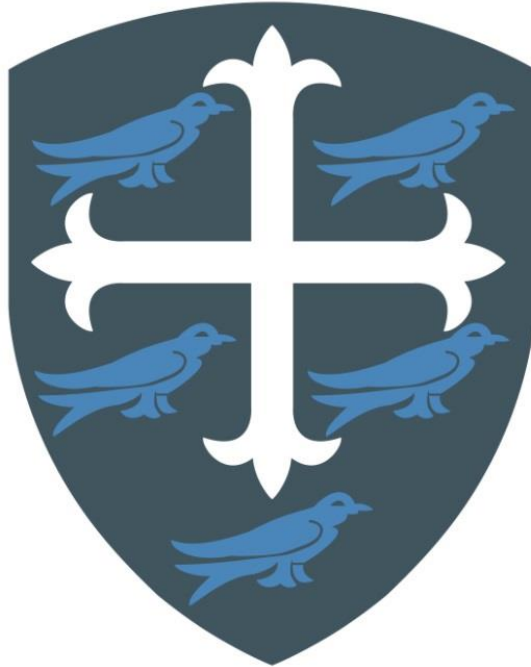


# St Mary's Catholic Primary School



## Data Protection Policy

<b>Legal Status:</b>	Statutory
<b>Last Review:</b>	May 2022
<b>Review date:</b>	June 2025
<b>Next Review:</b>	June 2026
<b>Responsible Person:</b>	Governing Body

### Mission Statement

"The family of St Mary's strives to grow in God's love and care by learning together and valuing the uniqueness of each person."

**Signed by Chair of Governors:**

**Signed by Headteacher:**

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## 1. Introduction

This notice sets out the School's Data Protection Policy.

As a parent it will help you understand how and why we collect your child's personal information and what we do with that information. It also explains the decisions that you can make about your child's information.

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. When your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights.

If you have any questions about this policy please contact the School office.

This notice also sets out how the School processes the personal information of its staff.

## 2. What is 'personal information'?

Personal information (data) is any **type of data that can be used to directly or indirectly identify an individual (a 'data subject')**. Some examples of personal data are: name, picture, phone number and address (which enable direct identification).

Personal information that the School holds about your child and which identifies your child could include their date of birth and address as well as things like exam results, medical details and behaviour records. We will also hold information such as your child's religion or ethnic group for the purposes of ensuring that we know about any pastoral adjustments such as foods that your child will not eat. CCTV, photos and video recordings of your child are also personal information.

## 3. Aims

Our School aims to ensure that all data collected about staff, students, parents and visitors is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) 2018 and the Data Protection Act 2018.

Amongst other things, this policy explains **what data** we collect and process, the **legal bases** for collection and processing, **why** we need to do this, and **what** we do with the data.

This policy applies to all data, regardless of whether it is in paper or electronic format.

## 4. 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.

## 5. 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
Special Categories of personal data	Data such as: <ul style="list-style-type: none"><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 and sex life</li><li>• Genetic information</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
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data

## 6. The Data Controller

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

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

## 7. 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
- Data is 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.
- Data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Data is 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.
- Data is 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.
- Data is 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.

## 8. Roles and responsibilities

The Governing Body has overall responsibility for ensuring that the School 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 student personal data in accordance with this policy. Staff must also inform the school of any changes to their own 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.

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

### **9.1 Students**

#### **(a) What data we collect**

The data we collect on students includes, but is not restricted to:

- Contact details (such as name and address)
- Attendance (such as number of absences and reason for absence)
- Punctuality (such as number of lates and reason for being late)
- Results of internal assessment and externally set tests
- Data on student characteristics (such as ethnic group or Special Educational Needs and Disabilities)
- Exclusion information (such as number of exclusions and reason for being excluded)
- Details of any medical conditions
- We may also receive data about pupils from other organisations including, but not limited to, other schools, Local Authorities, the Department for Education and the National Health Service

#### **(b) Why we collect the data and the legal basis for collection**

We collect and hold personal data about students primarily to support teaching and learning, provide pastoral care and to assess how the School is performing.

We will rely on a number of different legal bases for collecting and processing data depending on the nature of the data and what it is being used for. These will include (but are not necessarily limited to):

- i The School's *legitimate interest* (except where these are overridden by the rights of the pupil or parent) for example in providing educational services to pupils, safeguarding and promoting the welfare of pupils, promoting the objects and interests of the School (such as fundraising), keeping the school buildings safe.
- ii Where the School is under a *legal obligation* (for example to report a concern to Children's Services or to a court or a local authority)
- iii Where, in limited circumstances we may have to use data to protect the *vital interests* of someone (for example if a pupil is seriously hurt)
- iv Where data needs to be collected and processed to *carry out a task in the public interest* (for carrying out public tasks), this includes providing pupils with an education, safeguarding students welfare, facilitating the efficient operation of the School and ensuring that we comply with all of our legal obligations
- v Using Special Category data where doing so is necessary in the *substantial public interest* or for other legally permissible reasons

#### **(c) What we do with the data**

The data we collect will be used for a variety of purposes, primarily to provide educational services to pupils. The information we have about any family circumstances will be used to ensure a pupil's welfare and well-being is safeguarded. Likewise if there is a complaint or grievance made to the School about a pupil then we may use that pupil's personal data in connection with the grievance or complaint. Where appropriate the School will act upon any information concerning religious beliefs and practices. We may take photographs or videos of School events for use in the public domain (such as on social media websites or the School website) and these may be used after a student has left the School.

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 contact the School Lead (see details in section 17 below).

We are required, by law, to pass certain information about students to specified external bodies, such as our Local Authority and the Department for Education, so that they can meet their statutory obligations.

## **9.2 Staff**

### **(a) What data we collect**

Staff personal data collected by the School includes, but is not limited to, information such as staff:

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

### **(b) Why we collect the data, what we do with it and the legal basis for collection**

We process data relating to those we employ to work at, or otherwise engage to work at, our school. 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

We will rely on a number of different legal bases for collecting and processing data depending on the nature of the data and what it is being used for. These will include (but are not necessarily limited to) those listed above in section 9.

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.

## **10. Subject Access Requests**

Under the GDPR, Staff, Students and Parents\Carers have a right to request access to information the School 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 School 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 that are deemed to be excessive.

### **10.1 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

## **11. Biometric recognition systems**

Note that in the context of the Protection of Freedoms Act 2012, a "child" means a person under the age of 18.

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to borrow a library book, we will comply with the requirements of the Protection of Freedoms Act 2012).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils. For example, pupils can borrow a library book using the scanner facility.

Parents/carers and pupils can withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

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

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of Subject Access rights.

For a parent 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 parents of students at our School may not be granted without the express permission of the student.

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

## **13. CCTV**

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the school office.

## **14. Photographs and videos**

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carers and pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

## **15. Data protection by design and default**

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law
- Completing data protection impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

## **16. Data Accuracy and Objections**

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

Data Checking Sheets for pupils will be provided to data subjects so they can check its accuracy and make any amendments.

For Staff Data Checking Sheets will be issued every 12 months.

Where a data subject challenges the accuracy of his/her data the School 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.

**Objections** – you may object to us using personal data where:

- i we use it for direct marketing purposes
- ii we the legal basis for processing is *legitimate interest* of the *performance of a task carried out in the public interest*
- iii we are using it for historical or scientific research purposes or archiving purposes (for example we may keep photographs of pupils and parents at a school event for historical reasons)

## 17. Data security and storage of records

The School ensures proper security for the protection of all personal data. Measures in place include (but are not limited to):

- 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 School-owned equipment.
- Governors are required to use School email addresses and use cloud storage for sharing information and data.
- GDPR compliant cloud storage is used for all online data storage.

## 18. Disposal of Records

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely, for example, we will shred paper-based records and override electronic files.

## 19. Training

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

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

## 20. Monitoring Arrangements

The School Lead is responsible for monitoring and reviewing this policy and checks that the School complies with this policy by, among other things, reviewing School records at least annually. We employ Turn It On for external monitoring.

## 21. Contact

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

Position	Name	Email	Phone
School lead	Lucy Black (Headteacher)	<a href="mailto:admin@stmarysrc.lbhf.sch.uk">admin@stmarysrc.lbhf.sch.uk</a>	0207 603 7717
Data Protection Officer	Turn IT On	<a href="mailto:dpo@turniton.co.uk">dpo@turniton.co.uk</a>	01865 597620 (option 3 – GDPR)

## 22. Complaints

If you consider that the school has not acted properly when using personal data you can contact the UK Information Commissioner's Office – <https://ico.org.uk/make-a-complaint/>