**Cambois Primary School**

**DATA PROTECTION POLICY**

CREATED: March 2018

GOVERNING BODY APPROVAL:

REVIEW: SEPT 2019

**Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically. It also takes into account the expected provisions of the General Data protection Regulation, which is new legislation due to come into force in 2018. This policy complies with our funding agreement and articles of association.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

**What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

**General Data Protection Regulation Our Commitment:**

Cambois Primary School is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA).

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-protectionprinciples/>

Changes to data protection legislation (GDPR 25th May 2018) shall be monitored and implemented in order to remain compliant with all requirements.

 The legal bases for processing data are as follows –

 (a) **Consent**: the member of staff/student/parent has given clear consent for the school to process their personal data for a specific purpose.

 (b) **Contract:** the processing is necessary for the member of staff’s employment contract or student placement contract.

 (c) **Legal obligation**: the processing is necessary for the school to comply with the law (not including contractual obligations) The members of staff responsible for data protection are mainly Marianne Allan(Head teacher) and Lindsey Dorner (School office Administrator). However all staff must treat all student information in a confidential manner and follow the guidelines as set out in this document.

The school is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

**Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

**Notification:**

Our data processing activities will be registered with the Information Commissioner’s Office (ICO) as required of a recognised Data Controller. Details are available from the ICO:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register. Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO. ( a set form is included in the appendices of this policy)

**Personal and Sensitive Data:**

 All data within the school’s control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates. The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/keydefinitions>.

The principles of the Data Protection Act shall be applied to all data processed:

 • ensure that data is fairly and lawfully processed

 • process data only for limited purposes

 • ensure that all data processed is adequate, relevant and not excessive

 • ensure that data processed is accurate

• not to keep data longer than is necessary

• process the data in accordance with the data subject's rights

 • ensure that data is secure

 • ensure that data is not transferred to other countries without adequate protection.

**Fair Processing / Privacy Notice:**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and pupils prior to the processing of individual’s data. Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as ‘Children’ under the legislation. We have a set privacy statement for children that we will seek written consent to show they are aware of the policy and what personal information is used and its purpose.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-noticestransparency-and-control/>

There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example local authorities, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect. The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given.

Data will be shared with external parties in circumstances where it is a legal requirement to provide such information. Any proposed change to the processing of individual’s data shall first be notified to them.

*Under no circumstances will the school disclose information or data:*

 • that would cause serious harm to the child or anyone else’s physical or mental health or condition

• indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child

 • that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person’s name or identifying details are removed

 • in the form of a reference given to another school or any other place of education and training.

**Data Security:**

 In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual’s privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

 https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacyimpact-assessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance. The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

**Data Access Requests (Subject Access Requests):**

 All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

Mrs Marianne Allan – Head teacher

Cambois Primary School

Cowgate

Cambois Northumberland

NE24 1RD

No charge will be applied to process the request.

Personal data about pupils will not be disclosed to third parties without the consent of the child’s parent or carer, unless it is obliged by law or in the best interest of the child.

**Complaints**

Complaints will be dealt with in accordance with the school’s complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every two years. The policy review will be undertaken by the Head teacher, or nominated representative.

**Contacts**

If you have any enquires in relation to this policy, please contact the Head teacherwho will also act as the contact point for any subject access requests.

***Data may be disclosed to the following third parties without consent***:

• Other schools If a pupil transfers from Cambois Primary School to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the new school. This will support a smooth transition from one school to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child’s academic progress as a result of the move.

 • Examination authorities -This may be for registration purposes, to allow the pupils at our school to sit examinations set by external exam bodies.

 • Health authorities - As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.

• Police and courts - If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

 • Social workers and support agencies In order to protect or maintain the welfare of our pupils, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.

 • Educational division Schools may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

 **Right to be Forgotten:**

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped and all their personal data is erased by the school including any data held by contracted processors.

**Photographs and Video:**

 Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only. Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources. It is the school’s policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent. Photographs must only be taken on school equipment in line with the acceptable use policy and with the use of cameras in school policy.

 **Location of information and data:**

Hard copy data, records, and personal information are stored out of sight and in a locked cupboard. The only exception to this is medical information that may require immediate access during the school day. This will be stored with the school medical files in the First Aid cupboard.

 Sensitive or personal information and data should not be removed from the school site, however the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with pupils.

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

 • Paper copies of data or personal information should not be taken off the school site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places, or left unattended under any circumstances.

 • Unwanted paper copies of data, sensitive information or pupil files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or pupil by name.

 • Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.

 • If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.

 • If it is necessary to transport data away from the school, it should be downloaded onto an encrypted USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB, and saved onto the USB only.

 • USB sticks that staff use must be password protected. These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

**Data Disposal:**

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process. Disposal of IT assets holding data shall be in compliance with ICO guidance: <https://ico.org.uk/media/fororganisations/documents/1570/it_asset_disposal_for_organisations.pdf>

**The school has identified a qualified source for disposal of IT assets and collections. The school also ensures all sensitive data is shredded that is no longer required.**

**Appendices**

Appendix 1

School workforce

**The Data Protection Act 1998: How we use your information**

We process personal data relating to those we employ to work at, or otherwise engage to work at our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

* improving the management of workforce data across the sector
* enabling development of a comprehensive picture of the workforce and how it is deployed
* informing the development of recruitment and retention policies
* allowing better financial modelling and planning
* enabling ethnicity and disability monitoring; and
* supporting the work of the School Teachers’ Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We also provide personal data to third party organisations which supply services to us for which the provision of the data is essential for the service to be provided. Decisions on whether to release this data are subject to a robust approval process, including the arrangements in place to store and handle the data.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

* our local authority
* the Department for Education (DfE)

If you require more information about how we and/or DfE store and use your personal data please visit:

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

If you want to see a copy of information about you that we hold, please contact:

* Mrs Marianne Allan Headteacher, admin@cambois.northumberland.sch.uk

**Appendices 2**

**Privacy notice**

**Who processes your information?**

Cambois Primary School is the data controller of the personal information you provide to us. This means the school determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

NAME OF DPO acts as a representative for the school with regard to its data controller responsibilities; they can be contacted on 01670 825 218 or admin@:cambois.northumberland.sch.uk.

 In some cases, your data will be outsourced to a third party processor; however, this will only be done with your consent, unless the law requires the school to share your data.

Where the school outsources data to a third party processor, the same data protection standards that Cambois Primary School upholds are imposed on the processor.

NAME OF DPO is the data protection officer. Their role is to oversee and monitor the school’s data protection procedures, and to ensure they are compliant with the GDPR. The data protection officer can be contacted on 01670 825 218 OR admin@:cambois.northumberland.sch.uk.

**Why do we collect and use your information?**

Cambois Primary School holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, LA and/or the DfE. We collect and use personal data in order to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

* Article 6 and Article 9 of the GDPR

• Education Act 1996

 • Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013 In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

• To support pupil learning

• To monitor and report on pupil progress

• To provide appropriate pastoral care

 • To assess the quality of our service

• To comply with the law regarding data sharing

• To safeguard pupils

**Which data is collected**?

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

• Information relating to SEND

 • Behavioural information – e.g. number of temporary exclusions

Whilst the majority of the personal data you provide to the school is mandatory, some is provided on a voluntary basis. When collecting data, the school will inform you whether you are required to provide this data or if your consent is needed. Where consent is required, the school will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

**How long is your data stored for?**

 Personal data relating to pupils at Cambois Primary School and their families is stored in line with the school’s GDPR Data Protection Policy.

In accordance with the GDPR, the school does not store personal data indefinitely; data is only stored for as long as is necessary to complete the task for which it was originally collected.

**Will my information be shared?**

The school is required to share pupils’ data with the DfE on a statutory basis. The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. Cambois Primary School is required by law to provide information about our pupils to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD.

The DfE may share information about our pupils from the NDP with third parties who promote the education or wellbeing of children in England by:

 • Conducting research or analysis.

 • Producing statistics.

• Providing information, advice or guidance. The DfE has robust processes in place to ensure the confidentiality of any data shared from the NDP is maintained.

Cambois Primary School will not share your personal information with any third parties without your consent, unless the law allows us to do so.

The school routinely shares pupils’ information with:

• Pupils’ destinations upon leaving the school

• The LA

• The NHS

• The DfE

* SEND team and services
* Education welfare
* Children’s social care

**What are your rights?**

Parents and pupils have the following rights in relation to the processing of their personal data.

You have the right to

: • Be informed about how Cambois Primary School uses your personal data.

 • Request access to the personal data that Cambois Primary School holds.

• Request that your personal data is amended if it is inaccurate or incomplete.

 • Request that your personal data is erased where there is no compelling reason for its continued processing.

 • Request that the processing of your data is restricted.

 • Object to your personal data being processed.

Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time. If you have a concern about the way Cambois Primary School and/or the DfE is collecting or using your personal data, you can raise a concern with the Information Commissioner’s Office (ICO). The ICO can be contacted on 0303 123 1113, Monday-Friday 9am-5pm.

**Where can you find out more information?**

 If you would like to find out more information about how we and/or the DfE collect, use and store your personal data, please visit our website or download our GDPR Data Protection Policy.

Declaration I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, declare that I understand:

 • Cambois Primary School has a legal and legitimate interest to collect and process my personal data in order to meet statutory requirements.

 • How my data is used.

• Cambois Primary School may share my data with the DfE, and subsequently the LA.

• Cambois Primary School will not share my data to any other third parties without my consent, unless the law requires the school to do so.

 • Cambois Primary School will always ask for explicit consent where this is required, and I must provide this consent if I agree to the data being processed.

 • My data is retained in line with the school’s GDPR Data Protection Policy.

 • My rights to the processing of my personal data.

• Where I can find out more information about the processing of my personal data