

# Data Protection Policy and Privacy Notice

## Lakeside Primary School



**Approved by:** [Name]

**Date:** [Date]

**Last reviewed on:** April 2018

**Next review due by:** April 2019

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### 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998.

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

### 2. Legislation and guidance

This policy meets the requirements of the [Data Protection Act 1998](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

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.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

### 3. Definitions

| Term                           | Definition  |
|--------------------------------|---|
| <b>Personal data</b>           | Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified   |
| <b>Sensitive personal data</b> | 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> |
| <b>Processing</b>              | Obtaining, recording or holding data  |
| <b>Data subject</b>            | The person whose personal data is held or processed   |
| <b>Data controller</b>         | A person or organisation that determines the purposes for which, and the manner in which, personal data is processed  |
| <b>Data processor</b>          | A person, other than an employee of the data controller, who processes the data on behalf of the data controller  |

### 4. The data controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to the Headteacher. The school has appointed Veritau Ltd to be its Data Protection Officer (DPO). The role of the DPO is to ensure that the school is compliant with GDPR and to oversee data protection procedures. Veritau's contact details are provided in the Privacy Notices appended to this policy

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

## 5. Data protection principles

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## 6. Roles and responsibilities

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Headteacher, or the Deputy Headteacher in the Headteacher's absence. 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.

## 7. Privacy/fair processing notice

### 7.1 Pupils and parents

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- 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 pupils 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.

We are required, by law, to pass certain information about pupils to specified external bodies, such as our local authority, the Department for Education, Ofsted or the Department of Health, so that they are able to meet their statutory obligations. These authorities will comply with up to date data protection law and have their own policies relating to the protection of any data they receive or collect.

## **7.2 Staff**

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 safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

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

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- 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.

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 are able to meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Headteacher or School Business Manager.

## 8. 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 the impact on an individual's privacy in holding data related to them in accordance with guidance given by the ICO

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

## 9. Location of Information and Data

Hard copy data, records and personal information are stored out of sight and in locked cupboards with the exception of medical information that may require immediate access during the school day.

Sensitive or personal data should not be removed from the school site, however we recognise that some staff may need to access information to enable out of hours work at home. This may also apply to offsite meetings or school visits with pupils.

The following guidelines are in place to minimise risk of personal data being compromised:-

- Paper copies of information should not be on view in public places or left unattended in any circumstances
- Unwanted paper copies of data, sensitive information or pupils files should be shredded
- 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
- Information must only be kept on encrypted and password protected electronic devices.

These guidelines are clearly communicated to all school staff and breaches will be subject to disciplinary procedures.

## 10. Subject Access Requests

Under the Data Protection Act 1998, pupils 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, email or fax. Requests should include:

- The pupil's 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 pupil 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 pupil's educational record will be provided within 15 school days. The table below summarises the charges that apply.

| <b>Number of pages of information to be supplied</b> | <b>Maximum fee (£)</b> |
|--|------------------------|
| 1-19   | 1.00                   |
| 20-29  | 2.00                   |
| 30-39  | 3.00                   |
| 40-49  | 4.00                   |
| 50-59  | 5.00                   |
| 60-69  | 6.00                   |
| 70-79  | 7.00                   |
| 80-89  | 8.00                   |
| 90-99  | 9.00                   |
| 100-149  | 10.00                  |
| 150-199  | 15.00                  |
| 200-249  | 20.00                  |
| 250-299  | 25.00                  |
| 300-349  | 30.00                  |

|         |       |
|---------|-------|
| 350-399 | 35.00 |
| 400-449 | 40.00 |
| 450-499 | 45.00 |
| 500+    | 50.00 |

If a subject access request does not relate to the educational record, we will respond within 40 calendar days. The maximum charge that will apply is £10.00.

## 11. Parental requests to see the educational record

Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.

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 pupils at our school may be granted without the express permission of the pupil.

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

## 12. 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
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Users are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment

### **13. Disposal of records**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely with evidence that this has been done.

For example, we will shred or incinerate paper-based records or dispose of them using a confidential waste bins and disposal service and will override electronic files. We will also use an outside company to dispose of paper based confidential waste and to safely dispose of electronic records.

### **14. 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.

The school will not use images for publication or communication to external sources without prior consent. (See Appendix 3)

### **15. Training**

Our staff and governors are provided with data protection training as part of their induction process.

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

### **16. The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation is due to come into force in May 2018.

We have reviewed working practices to meet the requirements of new legislation and provided training to members of staff and governors.

### **17. Monitoring arrangements**

The Headteacher and Chair of Governors are responsible for monitoring and reviewing this policy.

The Headteacher and School Business Manager check that the school complies with this policy by, among other things, periodically reviewing school records

This document will be reviewed when the General Data Protection Regulation comes into force, and then **every 2 years**.

At every review, the policy will be shared with the Governing Body.

### **18. Links with other policies**

This data protection policy and privacy notice is linked to the freedom of information publication scheme.

Subject Access Request Policy

E safety Policy

Photographic Images Policy

**Employee Declaration:**

I hereby confirm that I have read and understood the Data Protection Policy, and agree to comply with all its provisions. I understand that failure to do so will constitute a disciplinary offence and may also be a criminal offence.

Signature: ..... Date: .....

Name: ..... (please print)

## Privacy Notice- General Data Protection Regulation (GDPR)



### Lakeside Primary School

*This Privacy Notice has been written to inform parents and pupils of Lakeside Primary School about what we do with your personal information. This Notice may be subject to change as the Data Protection Bill progresses.*

#### Who are we?

Lakeside Primary School is a 'Data Controller' as defined by Article 4 (7) of GDPR. This means that we determine the purposes for which, and the manner in which, your personal data is processed. We have a responsibility to you and your personal data and will only collect and use this in ways which are compliant with data protection legislation.

The school has appointed Veritau Ltd to be its Data Protection Officer (DPO). The role of the DPO is to ensure that the school is compliant with GDPR and to oversee data protection procedures. Veritau's contact details are:

Information Governance  
Veritau Ltd  
County Hall  
Racecourse Lane  
Northallerton  
DL7 8AL



#### What information do we collect?

The categories of information that we collect, hold and share include the following:

- Personal information of pupils and their family members e.g. name, pupil number, DOB and address
- Educational attainment
- Free school meal eligibility
- Attendance information
- Assessment information
- Behavioural information
- Safeguarding information

We will also process certain 'special category' data about our pupils including:

- Relevant medical information- please note that where the pupil has a severe allergy or is thought to be at risk of needing emergency care for a medical issue then this will be shared with all the staff. We may do this in the form of photo identification in the staff room to ensure that all staff are aware of the issues should an emergency situation arise
- Special Educational Needs and Disabilities information
- Race, ethnicity and religion

## Why do we collect your personal data?

We use the information we collect:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services

Any personal data that we process about our pupils and parents is done so in accordance with Article 6 and Article 9 of GDPR:

Our legal basis for processing your personal data, in line with Article 6(1)(c) include:

- Education Act 1944,1996, 2002
- Education and Adoption Act 2016
- Education (Information About Individual Pupils)(England) Regulations 2013
- Education (Pupil Information) (England) Regulations 2005
- Education and Skills Act 2008
- Children Act 1989, 2004
- Children and Families Act 2014
- Equality Act 2010
- Education (Special Educational Needs) Regulations 2001

We also process information in accordance with Article 6(e) and Article 9(2)(g) as part of the official authority vested in us as Data Controller and for reasons of substantial public interest. Such processing, which is not mandatory but is considered to be in our pupils' interests, include:

- School trips
- Extra curricular activities

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. When we do process this additional information we will ensure that we ask for your consent to process this.

## Who do we obtain your information from?

Much of the information we process will be obtained directly from you (pupils and parents). We will also process information received from:

- Department for Education (DfE)
- DMBC Local Education Authority
- Previous schools attended

## Who do we share your personal data with?

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our Local Education Authority – Doncaster Metropolitan Borough Council (DMBC)
- the Department for Education (DfE)
- National Health Service bodies
- partner schools for purposes of school evaluation and school improvement

For more information on information sharing with the DfE (including the National Pupil Database and Census) please go to: <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

We will not share any information about you outside the school without your consent unless we have a lawful basis for doing so.

## How long do we keep your personal data for?

Lakeside Primary School will keep your data as determined by statutory obligations. Any personal information which we are not required by law to retain will only be kept for as long as is necessary to fulfil our organisational needs.

## What rights do you have over your data?

Under GDPR parents and pupils have the following rights in relation to the processing of their personal data:

- to be informed about how we process your personal data. This notice fulfils this obligation
- to request access to your personal data that we hold, and be provided with a copy of it
- to request that your personal data is amended if inaccurate or incomplete
- to request that your personal data is erased where there is no compelling reason for its continued processing
- to request that the processing of your personal data is restricted
- to object to your personal data being processed

If you have any concerns about the way we have handled your personal data or would like any further information, then please contact our DPO on the address provided above.

If we cannot resolve your concerns you may also complain to the Information Commissioner's Office (the Data Protection Regulator) about the way in which the school has handled your personal data. You can do so by contacting:

First Contact Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow, Cheshire

SK9 5AF

[casework@ico.gsi.gov.uk](mailto:casework@ico.gsi.gov.uk) // 03031 231113

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## Please detach this slip and return to the school.

I, (name of individual), confirm that I have read this Privacy Notice. I understand:

- Lakeside Primary School will process personal data in accordance with GDPR requirements
- How my data is processed and why
- My personal data will not be shared with third parties without my consent unless there is a legal requirement to do so
- My personal data is retained in line with statutory requirements and/or organisational purposes
- My rights in relation to the processing of my personal data, and how I can exercise these rights

Name: .....

Signature: .....

Date: .....



LAKESIDE PRIMARY SCHOOL  
SANDY LANE  
DONCASTER  
DN4 5ES

Mrs. J. Witton, BA, M.Ed  
Headteacher

No. 01302 368879

Telephone

Fax No. 01302 761852

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DATE

RECIPIENT NAME

ADDRESS

Dear Sir/Madam,

Lakeside Primary School is currently contacting all suppliers of services to our school for the purposes of performing a due diligence check in regard to the new General Data Protection Regulation and upcoming Data Protection Bill 2017 due to come into force on the on the 25<sup>th</sup> May 2018.

Please note that as per Article 28(1) of the GDPR we can only use a supplier (data processor) who is **“providing sufficient guarantees to implement appropriate technical or organisation measures, in such a manner that processing will meet the requirements of this regulation”**. Therefore, we have compiled a supplier questionnaire (overleaf) which we would like your organisation to complete and return to the school.

If we are within an extended period contract, which extends beyond 25<sup>th</sup> May 2018, we will still require a response to the questions attached as well as confirmation that the terms and conditions, on the existing contract, will be amended to contain the specific data privacy wording required by the GDRP legislation, to clarify your organisation’s obligations and duties to our school under the new legislation.

Thank you

School Chief Privacy Officer  
Lakeside Primary School

## Data Processor Checklist

Please complete and return to email address:- Kerry.veall@lakeside.doncaster.sch.uk

Name of supplier:

Main supplier contact details for all data privacy matters:

| REQUIREMENT  | YES/NO | COMMENT |
|--|--------|---------|
| Please confirm what sufficient guarantees you can give our school that demonstrate your understanding and implementation of your obligation, as a processor, under the new GDPR legislation, including any certifications or externally audited process's. |        |         |
| Do your standard contract terms include the new GDPR mandatory provisions?   |        |         |
| Do your standard contract terms propagate down, within a formal contract, to your sub contract providers involved in the service to our school?  |        |         |
| Are you maintaining Data Processing Records? As outlined in Article 30 of GDPR   |        |         |
| Please detail all sub-contractors, included in the provision of your service to our school.  |        |         |
| Do you have a documented Breach Notification Process to ensure notification to our school within 72hrs?  |        |         |
| Do you and your sub processors, providing the service to our school, have a documented process for the deletion of subject's records, upon request, from both live or archived records and backups of your systems?  |        |         |
| Can you confirm our right to have personal data deleted or upon termination of contract at no extra cost?  |        |         |
| Does yours and your sub processor/s, involved in the delivery of services to our school, website/software have a data privacy policy and fair processing notice which meet GDPR requirements?  |        |         |
| Do your contracts of employment contain confidentiality and gross misconduct clauses, in the context of customers data privacy?  |        |         |

# Lakeside Primary School Consent Form

## Your Consent Preferences

*This form has been written to give you choice and control over how our school uses some of your personal data.*

*You may withdraw these consent preferences at any time. Further information about how to do this can be found below.*

| Non-Essential Communications  | YES          |       | NO        |              |
|---|--------------|-------|-----------|--------------|
|   | TEXT MESSAGE | EMAIL | HARD COPY | SOCIAL MEDIA |
| In some cases the school will want to contact you to tell you about school events, news, and general updates. Please state if you would like to receive these communications.   |              |       |           |              |
| <b>Photos and Videos</b><br>Circumstances you would take and use photos/videos of your pupils:-<br>- To record significant events in the school calendar<br>- To provide families with records of key events in their child's school career<br>- To inform assessment by recording key learning and to complete learning portfolios.<br>- To share experiences on the school website<br>- To publicise events | YES          |       | NO        |              |

|                       |                     |
|-----------------------|---------------------|
| Parent/Guardian Name: | Parent's Signature: |
| Pupil Name:           |                     |
| Date:                 |                     |

**To withdraw or change your consent preferences please contact:**

|  |                                  |
|--|----------------------------------|
| <b>School Business Manager</b><br><b>Lakeside Primary School</b><br><b>Sandy Lane</b><br><b>Doncaster DN45ES</b> | <b><u>Tel:- 01302 368879</u></b> |
|--|----------------------------------|

To find out more about how our school uses your personal data then please see our privacy notice which can be found in the Data Protection Policy and Privacy Notice and on our website.