Data Protection Policy

Approved by	**RET Board**	**Approved on**	**August 2020**
RET contact	**CEO/Headteachers**	**Revision due**	**Every 2 years**

RUSSELL EDUCATION TRUST

1. Aims

a. This 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) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

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

2. Legislation and Guidance

a. This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

b. It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data and CCTV equipment.

c. It also reflects the ICO's code of practice for the use of CCTV and personal information.

d. In addition, this policy complies with our funding agreement and articles of association.

3. The data controller

a. The School processes personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller.

b. The School is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

4. Roles and Responsibilities

a. This policy applies to **all staff** employed by this School and to external organisations or individuals working on our behalf.

b. Staff who do not comply with this policy may face disciplinary action.

4.1 Governing Body

The Governing Body has overall responsibility for ensuring that this School complies with all relevant data protection obligations.

4.2 Data protection officer

a. The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring compliance by the School with data protection law, and developing related policies and guidelines where applicable.

b. They will provide an annual report of their activities directly to the Governing Body and where relevant report their advice and recommendations on data protection issues.

c. The DPO is also the first point of contact for individuals whose data this School processes, and for the ICO.

d. Full details of the DPO's responsibilities are set out in their job description.

e. Our DPO is contactable via DPO@russelleducationtrust.org.uk

4.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis.

4.4 RET Head of Finance and Operations

The RET Head of Finance and Operation is responsible for putting in place administrative arrangements, supporting systems to ensure the school complies with the requirements of this policy, and reporting processes and systems to demonstrate compliance to the DPO.

4.5 All staff

Staff are responsible for:

a. Collecting, storing and processing any personal data in accordance with this policy

b. Informing the School of any changes to their personal data, such as a change of address

c. Contacting the DPO in the following circumstances:

- With any questions about the operation of this policy, data protection law,

retaining personal data or keeping personal data secure
- If they have any concerns that this policy is not being followed
- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or obtain consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

5. Data protection principles

c. The GDPR is based on data protection principles that this School must comply with. The principles say that personal data must be:
- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

d. This policy sets out how this School aims to comply with these principles.

6. Collecting personal data

6.1 1 **Lawfulness, fairness and transparency**

a. The School will only process personal data where they have one of 6 'lawful bases' (legal reasons) to do so under data protection law:
- The data needs to be processed so that the School can **fulfil a contract** with the individual, or the individual has asked RET/the School to take specific steps before entering into a contract
- The data needs to be processed so that the School can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the School, as a public authority, can perform a task **in the public interest,** and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the School or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a student) has freely given clear **consent**

b. For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and DPA 2018.

c. If we offer online services to students, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the student is under 13 (except for online counselling and preventive services).

d. Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

6.2 Limitation, minimisation and accuracy

a. The School will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

b. If the school wants to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.
c. Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance guidance provided by the Information and Records Management Society's toolkit for Schools.

7. Sharing personal data

a. The School will not normally share personal data with anyone else, but may do so where:
   1. There is an issue with a student or parent/carer that puts the safety of our staff at risk
   2. We need to liaise with other agencies – we will seek consent as necessary before doing this
   3. Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
      - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
      - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
      - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us
b. We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:
   1. The prevention or detection of crime and/or fraud
   2. The apprehension or prosecution of offenders
   3. The assessment or collection of tax owed to HMRC
   4. In connection with legal proceedings
   5. Where the disclosure is required to satisfy our safeguarding obligations
   6. Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided
c. We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff.
d. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

8. Biometric recognition systems

a. Where we use students' biometric data as part of an automated biometric recognition system (for example, students use thumb prints to receive school meals instead of paying with cash) we will comply with the requirements of the Protection of Freedoms Act 2012.
b. 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.
c. Parents/carers and students 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 students.
d. Parents/carers and students can object to participation in the School's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.
e. As required by law, if a student 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 student's parent(s)/carer(s).
f. 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.

9. CCTV

a. 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.
b. 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.
c. See also the School's CCTV Policy for more detail about use of CCTV in this School.

10. Photographs and videos

a. As part of our School activities, we may take photographs and record images of individuals within our School.
b. We will obtain written consent from parents/carers, or students aged 18 and over, for photographs and videos to be taken of students for communication, marketing and promotional materials.
c. Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.
   Uses may include:
   1. Within School on notice boards and in School newsletters and/or prospectus
   2. Outside of School by external agencies such as the School photographer, newspapers, campaigns
   3. Online on our School website or social media pages
d. 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.
e. When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.
f. See also our ICT Acceptable Use Policies for Staff/Students for more information on use of photographs and videos.

11. Subject access requests and other rights of individuals

11.1 Subject access requests

a. Individuals have a right to make a 'subject access request' to gain access to personal information that the School holds about them. This includes:
   - Confirmation that their personal data is being processed
   - Access to a copy of the data
   - The purposes of the data processing
   - The categories of personal data concerned
   - Who the data has been, or will be, shared with
   - How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
   - The source of the data, if not the individual
   - Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
b. Subject access requests must be submitted in writing, either by using the form available to download on the school website or by letter or email (DPO@russelleducationtrust.org.uk) addressed to the DPO.
c. Requests should include:
   - Name of individual

- Correspondence address
- Contact number and email address
- Details of the information requested

d. If staff receive a subject access request they must immediately forward it to the school's finance manager or RET Head of Finance and Operations who, in conjunction with the Head and RET Chief Executive, will review the request and consult with the DPO in preparing a response.

11.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students at our School may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

11.3 Responding to subject access requests

a. When responding to requests, we:
   - May ask the individual to provide 2 forms of identification
   - May contact the individual via phone to confirm the request was made
   - Will respond without delay and within 1 month of receipt of the request
   - Will provide the information free of charge
   - May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

b. We will not disclose information if it:
   - Might cause serious harm to the physical or mental health of the student or another individual
   - Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
   - Is contained in adoption or parental order records
   - Is given to a court in proceedings concerning the child

c. If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

d. A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

e. When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

f. The school will keep a record of all subject access requests including details of each request made, a log of the date and times of the receipt of information, and the school's issued responses.

11.4 Other data protection rights of the individual

a. 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 (see section 7), 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, or object to the processing of it (in certain circumstances)
   - Prevent use of their personal data for direct marketing
   - Challenge processing which has been justified on the basis of public interest
   - Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
   - Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)

- Prevent processing that is likely to cause damage or distress
- 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)

b. 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.

12. Freedom of Information Requests

a. We will publish information in accordance with the school's Freedom of Information Publication Scheme.
b. The school will keep a register of all Freedom of Information requests. The register will record all the details of the request and the date the response was issued to the requestor. The register will be made available to the DPO.
c. Staff must subject all Freedom of Information requests to the school's finance manager. All responses will be approved by the Headteacher and RET Chief Executive or RET Head of Finance and Operations.

13. Parental requests to see the educational record

In academies and free Schools there is no automatic parental right of access to the educational record.

14. Data protection by design and default

a. We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:
   1. Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
   2. 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 (see section 6)
   3. Completing privacy 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)
   4. Integrating data protection into internal documents including this policy, any related policies and privacy notices
   5. 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

15. Data security and storage of records

a. We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. In particular:
   1. Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
   2. Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
   3. Where personal information needs to be taken off site, staff must sign it in and out from the School office
   4. Passwords that are at least 8 characters long containing letters and numbers are used to access School computers, laptops and other electronic devices. Staff and students are reminded to change their passwords at regular intervals
   5. Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices

6. Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures as for School-owned equipment (See our ICT Acceptable Use Policies for Staff and Students).
7. Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 7)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the School's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches

a. The School will make all reasonable endeavours to ensure that there are no personal data breaches.
b. In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 2.
c. When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a School context may include, but are not limited to:
    1. A non-anonymised dataset being published on the School website which shows the exam results of students eligible for the student premium
    2. Safeguarding information being made available to an unauthorised person
    3. The theft of a School laptop containing non-encrypted personal data about students

18. Training

a. All staff and governors are provided with data protection training as part of their induction process.
b. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the School's processes make it necessary.

19. Monitoring arrangements

a. The DPO is responsible for monitoring and reviewing this policy.
b. This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our School's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** and shared with the full governing board.

20. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- Staff Code of Conduct
- CCTV Policy
- ICT Acceptable Use Policy for Staff
- ICT Acceptable Use Policy for Students