



The Federation of St Elphege's and Regina Coeli Catholic Schools



Data Protection Policy

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The Federation of St Elphege's and Regina Coeli Catholic Schools



'With God all things are possible'

'Where there is love, there is God'

The Federation of St Elphege's and Regina Coeli Catholic Schools will give every child the best possible education because each individual is uniquely created and precious to God. As a Catholic community, guided by the Holy Spirit, we will follow the example of Jesus Christ in all aspects of daily life.

With the help of God's love, the Federation of St Elphege's and Regina Coeli Catholic Schools will seek to develop the whole child. Each child is uniquely created and precious to God and it is the Federation's mission, guided by the Holy Spirit, to nurture each child's spiritual, moral and academic growth.

Inspired by the teachings of Christ we will...

- Develop our children's faith, spirituality and joy in the love of God
- Educate our children to the highest standards thus realising their own potential
- Instil in our children the knowledge, skills and confidence to succeed and take pride in their achievements recognising we each have special gifts and talents
- Encourage everyone to be more than they thought possible, in a secure and loving environment
- Promote a caring community where we will all behave well. We will be dignified in our actions, demonstrating good manners, tolerance, kindness and generosity to ourselves and others
- Prepare our children today to become tomorrow's responsible and independent individuals equipped to face life's challenges
- Ensure our Federation is a happy, safe and welcoming place where we all enjoy learning, work hard, support one another and do our best
- Create an active partnership of love, joy and high expectations between children, parents, carers, staff, governors, parishes and the wider community

Inclusion statement

The school community will ensure that ALL children irrespective of race, ethnicity, nationality, gender (including those who identify as transgender), sexual orientation, ability, special educational need, disability, faith or religion, age, culture, socio-economic or home background will have equal access to the breadth of this policy.

The achievements, attitudes and well-being of all our children matter and the school will endeavour to promote their individuality. Children with learning disabilities and gifted and talented children will be allowed to express themselves according to their ability. Work will be differentiated to meet their needs and achievements will be celebrated.

This Policy will be implemented through on going consultation with all members of the school community and developments in law or statutory guidance.

Safeguarding is about every child. We are committed to safeguarding children and young people and we expect everyone who works in our schools to share this commitment. The Federation believes that protecting the data it holds about its children is a fundamental part of its safeguarding process and treats it with as much importance as protecting the child themselves.

All staff must maintain records and obtain and share information (with parents, carers, other professionals working with the child, police, social services and Ofsted as appropriate) to ensure safe and efficient management of the school, and to help ensure the needs of all children are met. All staff must enable a regular two-way flow of information between parents and school.

Confidential information and records about children are held securely and only accessible and available to those who have a right or professional need to see them. The Executive Head is aware of responsibilities under the latest Data Protection Act in England, including those imposed under the General Data Protection Regulation (GDPR) passed by the European Union.

All staff understand the need to protect the privacy of the children in their care as well as the legal requirements that exist to ensure that information relating to the child is handled in a way to ensure confidentiality. Parents and carers are given access to all records about their child provided that no relevant exemptions (information which could cause harm to the child or any other individual) apply to their disclosure under the DPA.

The GDPR imposes stringent requirements on entities that deal with people's personal data. In the school, **this applies to all personally identifiable information held on staff, children and parents.**

The Federation is fully committed to ensuring that it upholds the rights granted to a person under the GDPR. A Data Protection Officer (DPO) has been appointed to the Federation, as required under this regulation.

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1. Aims

Our Federation aims to ensure that all personal data collected about staff, children, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Act 2018 (DPA 2018).

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

2. Legislation and guidance

This policy meets the requirements of the GDPR and 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.

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

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

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetics• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes• Health – physical or mental• Sex life or sexual orientation

Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal 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.

4. The data controller

Our Federation processes personal data relating to parents, children, staff, governors, visitors and others, and therefore is a data controller.

Each school in the Federation is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our Federation, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing board

The Governing Body has overall responsibility for ensuring that our school/academy complies with all relevant data protection obligations.

5.2 Data protection officer

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

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on Federation data protection issues.

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

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

Details of our DPO are available on the Federation's website.

5.3 Headteacher

The Head of School acts as the official representative of the data controller on a day-to-day basis. In reality, the DoFO is responsible for staff data, the Designated Safeguarding Lead is responsible for Child Protection files and the Executive Head teacher is responsible for the children's files.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the Federation of any changes to their own personal data, such as a change of address
- 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 capture 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

6. Data protection principles

The GDPR is based on data protection principles that our Federation 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

This policy sets out how the Federation aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have a 'lawful basis' (legal reason) to do so under data protection law. The lawful bases that apply to the Federation's processing of personal data are:

- The data needs to be processed so that the Federation can **fulfil a contract** with the individual, or the individual has asked the Federation to take specific steps before entering into a contract
- The data needs to be processed so that the Federation 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 Federation, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

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 Data Protection Act 2018.

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

7.2 Limitation, minimisation and accuracy

We 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.

If we want 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.

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 disposed of securely or anonymised. This will be done in accordance with the Federation's Record Retention Policy.

8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a child or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – if we are required to seek consent under data protection legislation, we will do so before the data is shared
- Our suppliers or contractors need data to enable us to provide services to our staff and children – 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

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

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 children or staff.

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.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request (SAR)' to gain access to personal information that the Federation 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

Subject access requests must be submitted in writing, either by letter or email to the DPO. They should include:

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

If staff receive a subject access request they must immediately forward it to the DPO.

9.2 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 below the age of 12 are generally not 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 children at our Federation may be granted without the express permission of the child. This is not a rule and a child's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

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

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the child 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

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.

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

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

9.4 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 (see section 7), individuals also have the right to:

- Withdraw given 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)

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.

10. CCTV

We use CCTV in various locations around the Federation's estate 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 Director of Finance and Operations.

11. Photographs and videos

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

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

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and child.

Uses may include:

- Within the Federation on notice boards and in school brochures, blogs and newsletters
- Outside of the Federation by external agencies such as newspapers
- Online on our school websites or social media pages

When we put images on our website or social media pages, we have some specific rules

- To avoid identifying a pupil by name (unless for a specific reason, such as an award or recognition, and in such cases, only using a first name).
- To exclude any images of children where parents/carers have specifically requested that no images appear (e.g. in child protection situations or where knowing a child's whereabouts might be a safety issue).
- Only to show images of pupils fully clothed, and
- Always to give parents/carers the right to have an image removed.

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.

See our e-Safety policy and privacy notices for more information on our use of photographs and videos.

12. Data protection by design and default

We have 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 (see section 6)
- Completing privacy impact assessments where the Federation'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
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our Federation 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, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

13. Data security and storage of records

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:

- 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
- 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
- Where personal information needs to be taken off site, 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 Federation computers, laptops and other electronic devices. Staff and children are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media that are used off-site, such as laptops and USB devices
- Staff, children or governors who store personal information on their personal devices are expected to follow the same security procedures as for Federation-owned equipment
- 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 8)
- The device should not be used by anyone other than the primary user.

14. 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. Information will be disposed of following the Federation's record retention policy and appropriate legal requirements.

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 Federation's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

15. Personal data breaches

The Federation will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

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:

- A non-anonymised dataset being published on the school website which shows the exam results of children eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a Federation laptop containing non-encrypted personal data about children

16. Training

All 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, guidance or the Federation's processes make it necessary.

17. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed **every year** and scrutinised by the governing body.

18. Links with other policies

This [data protection policy](#) is linked to our:

- [Freedom of information publication scheme](#)
- [Child Protection and Safeguarding Policy](#)
- [E-Safety Policy](#)

Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- The DPO will alert the Head of School / Executive Head Teacher and the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary.
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach.
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach

- A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
- The DPO and Head of School will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimize the impact of sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT provider to recall it
- In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted

Appendix 2: Subject access request (SAR) form

The procedure to submit a subject access request is detailed in Section 9 of this policy.

Re: Subject access request

Dear (Data Protection Officer)

Please provide me with the information about me/my child that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

Name	
Relationship with the school	Please select: Child / parent / employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: <i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</i> <ul style="list-style-type: none">• Your personnel file• Your child's medical records• Your child's behavior record, held by [insert class teacher]• Emails between 'A' and 'B' between [date]

If you need any more information from me, please let me know as soon as possible.

Yours sincerely,