# The Meadows Primary School

# GDPR Policy for Data Subjects

Version Control

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## 1. Purpose

The Meadows Primary School's Data Protection Policy is intended to ensure that personal information is dealt with securely and in accordance with the Data Protection Act 2018, UK General Data Protection Regulation (GDPR). It will apply to all data held by the school regardless of the way it is used, recorded and stored and whether it is held by the school in paper files or electronic form.

## 2. Introduction

The Meadows Primary School collect and use certain types of personal information about pupils, parents, staff, volunteers, governors, job applicants and other individuals who come into contact with the school in order to provide education, employment and other associated functions. Our school is required by law to collect and use certain types of information to comply with statutory obligations related to education, safeguarding and employment, and this policy is intended to ensure that personal information is dealt with securely and in accordance with the GDPR. The GDPR applies to all electronic and manual data files containing personally identifiable information (PII) or sensitive data.

This policy will apply to any member of staff in the school who process PII. The Meadows Primary School will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this policy and their duties under the GDPR. The Meadows Primary School will take all reasonable steps and apply robust procedures to ensure that all PII is held securely and is not accessible to unauthorised persons.

This policy will be updated when amendments to the data protection legislation are made or to reflect best practice where necessary. The policy will be reviewed every 2 years.

## 3. Definitions and Common Terminology

*Data Controller* – a natural or legal person, public authority, agency, or any other body which alone or jointly with others determines the purposes and means of the processing of personal data.

*Data Processor* – a natural or legal person, public authority, agency, or any other body that processes personal data on behalf of the data controller.

*Data Subject* – an identified or identifiable living individual whose personal data is held or processed.

*Personally Identifiable Information* – any information relating to an identified or identifiable, living individual.

*Special Categories of Personal Data* – personal data, which is more sensitive and so needs more protection, including information about an individual, 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.

*Data Protection Officer* – a person who is tasked with helping to protect PII and helping an organisation to meet the GDPR compliance requirements, does not hold ultimate accountability for compliance.

*Subject Access Request* – a right that a person has to obtain a copy of information held about them by the organisation.

*Data Breach* – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data.

*ICO* – Information Commissioners Office (Supervising Authority in the UK)

**4. Data Protection Principles and How The Meadows Primary School Complies**

As the Data Controller, The Meadows Primary School processes personal data in line with the GDPR sets of guiding principles as follows:

| **Data Protection Principles** | **How the School Will Comply** |
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| Legality, Transparency and Fairness<br><br>*Personal data will only be processed by the school, where it is able to demonstrate that it has a 'Lawful basis' for the processing activity* | A data mapping document identifies all data processed by the school to monitor and review the 'lawful basis' for collecting, processing, sharing, storing, and destroying data.<br><br>A Privacy Notice for pupils, parents/carers, staff, and visitors to school is readily available and includes all details of the data collected. The privacy notice also contains details of how a data subject (pupil, parent, member of staff etc) can access their data, which is stored and processed by the school. |

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| Purpose Limitation<br><br>*Personal data should be collected for specific, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes.* | A data mapping document will identify the purposes for which processing will take place, the description of the categories of individuals and personal data, the categories of recipients of the data (eg Third party organisations who the school shares the data with). Retention schedules for the personal data will also be noted.<br><br>Robust procedures are in place to ensure PII is only used for the purpose that it was collected for. |
| Data Minimisation<br><br>*The personal data must be 'Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'* | Data collection forms will be regularly reviewed to ensure information is appropriate and not excessive.<br><br>Data required by teaching staff will be provided only for the purpose it is required to ensure information used is minimal. |
| Accuracy<br><br>*All reasonable steps will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.* | Data will be regularly checked to ensure it is as accurate as possible through a variety of measures:<br><br>• Issue data collection forms on an annual basis to parents/carers to check and amend data held.<br>• Reminders on school newsletters<br>• During Parents Evening<br>• Pupil progress meetings |
| Storage Limitation | Retention periods for various data held in the school are recorded within the data mapping document. The school refer to the Information Record Management Toolkit to establish appropriate retention periods and |

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| *Personal data shall be kept in a form, which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.* | data is archived and destroyed as set out in these guidelines. |
| Integrity and Confidential (Security)<br><br>*Personal data will be processed in a manner, which ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing, and against accidental loss, destruction or damage, using appropriate technical or organisational measures* | Electronic devices, such as computers, laptops, ipads, etc are password protected. Passwords are a minimum of 8 characters and contain a mixture of upper-case, lower-case letters and numbers.<br><br>Passwords are changed on a regular basis<br><br>Computers are locked when not in use.<br><br>Secure transmission of data: Secure password protected exchange sites are used to transfer data<br><br>Clear desk policy is in place around school.<br><br>Paper based data is stored in secure lockable cabinets.<br><br>Offices around school are locked at all times.<br><br>Access to the school site is secure with an intercom secure system in operation.<br><br>CCTV is viewed by senior leaders and office staff only. |

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| Accountability<br><br><br>*The Meadows Primary School as data controller will be able to demonstrate compliance with the previous principles.* | A data protection officer is appointed.<br><br>A data protection lead is first point of contact.<br><br>The Meadows Primary School has clear procedures in place for handling a data breach and a Subject Access Request<br><br>Third party agreement/assurances are in place for all data shared with such organisations who process data on behalf of the school.<br><br>School staff are GDPR trained on an annual basis.<br><br>Regular Data Audits and reviews will be undertaken to check the robustness of processes and systems for continued GDPR compliance |

**5. Data Processing Measures**

The school have put measures in place to show that data protection requirements are integrated into all data processing activities. These include:

- appointment of a suitably qualified Data Protection Officer (DPO) which is provided to the school by SIPS Education, and are contactable via gdpr@sips.co.uk or 0121 296 3000
- maintaining up to date, data mapping records to ensure that processing of personal data for a specific purpose is undertaken in line with the data protection principles as set out in GDPR.
- Where the school is introducing new technologies or it is considered that the processing of personal data presents a high risk to the rights and freedoms of individuals, data protection impact assessments will be completed by the relevant staff in liaison with the Data Protection Lead within the school

**6. Use of Personal Data**

The Meadows Primary School process personal data on pupils, parents, staff, visitors, governors etc. Personal data for each individual will be processed in accordance with the GDPR principles as outlined in point 4.

In accordance with the principle of transparency, the school has developed and will maintain privacy notices for different categories of data subject. These outline the categories of data captured, the purpose of processing and if the information is shared with third parties.

Our data mapping document informs the content of our privacy notices, which can be found on our website or within the shared area of the school's electronic system for staff.

Privacy notices have been drafted for the following categories of data subjects:

- Pupils
- Staff, Governors and Volunteers

**7. Photographs and Videos**

The school may take photographs and videos of individuals as part of school activities. Such images may be used for:

- Notice boards around school, school newsletters, brochures etc
- External agencies such as the school photographer, newspapers/media campaigns
- School website or social media

In order to do this we will obtain written consent from parents / carers before we take photographs or videos of your child. We will do this upon induction. When we seek your consent, we will clearly explain how the photographs and/or videos are to be used.

You have the right to withdraw consent at any time, upon which we will delete any images already taken and we will not distribute those images further.

As part of our 'public task', we may take a photograph of your child without requesting consent from you. This would be in circumstances where identification of a child with an existing medical conditions/allergies is required in order to meet the needs of your child and to keep them safe.

Where photographs and/or videos are taken by parents / carers at school events for their own personal use, the requirements of data protection legislation do not apply. However, we do ask that should your photos / videos capture images of other pupils in addition to their own child, that they do not share these in any public way (including on social media sites) for safeguarding reasons unless all relevant parents / carers have given their consent for them to do so.

## 8. Data Security and Storage of Data

All devices used in school and provided to staff including mobile phone, laptop, memory stick, tablet, external hard drive, computer etc, will be encrypted. Care will be taken to safeguard the equipment against loss or damage. Passwords used on all devices to encrypt information, will not be shared or written down.

All devices provided by the school will only be used for the purposes for which they were supplied.

Memory sticks that do not require a password to access the data contained on it will not be used and are not permitted by the school.

Any storage devices no longer required, which may contain information that is surplus to requirements or any device will be disposed of securely.

Media such as CDs or DVDs, which contain data and no longer required will be physically destroyed.

Paper based documents and files containing personal data, which is stored in School will be protected by one of the following measures:

- Locked filing cabinets with restricted access to keys by appropriate staff only. Keys will be stored away from cabinets.
- Locked safes
- Stored in a secure area protected by access controls

Depending on the content of the sensitive data contained within papers based documents and files, an appropriate member of staff will be responsible for the storing and protecting of the data in line with the secure filing system process.

## 9. A Data Subjects Rights

Under the GDPR, data subjects have the following rights with regards to their personal information, as follows:

1. Right to be informed about the collection and the use of their personal data
2. Right of access personal data and supplementary information
3. Right to have inaccurate personal data rectified, or completed if it is incomplete
4. Right to erasure (to be forgotten) in certain circumstances
5. Right to restrict processing in certain circumstances
6. Right to data portability, which allows the data subject to obtain and reuse their personal data for their own purposes across difference services.
7. Right to object to processing in certain circumstances
8. Rights in relation to automated decision making and profiling.

9. Right to withdraw consent at any time (where relevant)
10. Right to complain to the Information Commissioner

Individuals should submit any request to exercise these rights to the Data Protection Lead in school. This can be done in written form. If staff receive such a request, they will immediately forward it to the Data Protection Lead, who will liaise with the Data Protection officer as necessary.

**10. Subject Access Requests**

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 purpose 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
- Where relevant, the existence of the right to request rectification, erasure, or restrictions, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- The safeguards provided if the data is being transferred internationally

It is important to bear in mind that a child's personal data is just that – their data – and does not belong to their parent / carer. As such, if a parent or carer wishes to make a subject access request for data relating to their child, the pupil need to have given their consent dependent on their age and level of understanding.

The age of 13 is used as a guide to determine when a child is generally likely to be mature enough to understand their rights, and accordingly any requests for their personal data from this age onwards would generally be expected to come from the child themselves.

For children below this age, it is less likely that they will fully understand the implications of SARs, and so it would normally be acceptable for the request to come from the parent / carer.

However, both situations above are used as a guide only, and each request (and requestor) will be judged on an individual case by case basis.

Subject access requests can be submitted in any form to any member of staff within the school. However, the school may contact the requester for more details in order for the school to respond to requests appropriately. If staff receive a subject access request in any form they will forward to the

data protection lead within the school immediately. The data protection officer will also be advised to ensure appropriate support is provided to the school to fulfil the request.

Parents can also contact the data protection lead within the school to make a subject access request to Mandy Singh, School Business Manager.

Information about how to make a Subject Access Request or for more details can be obtained from the Data Protection Lead within the school, Mandy Singh, School Business Manager. Alternatively, see Appendix A for completion if you wish to submit a Subject Access Request now.

*Responding to a Subject Access Request*

When responding to requests, the school may:

- contact the individual via telephone to confirm the request has been made by them
- ask the individual to provide further details so that the school can verify and confirm the data required.
- request 2 forms of identification of the individual. Proof of address will also be verified.
- If a third party is requesting data, written authority or a power of attorney will be verified.

Requests will be responded to within 1 calendar month from receipt of the request. However, if additional information is required in order for the school to fulfil the request the response period will be from receipt of all information obtained. This includes receipt of proof of identity and proof of address where relevant.

Based on the complexity of the request and in line with Article 12 (3) GDPR, the timeframe in which to respond to a Subject Access Request may be extended up to 3 calendar months if required. In such instances the school will liaise with the Data Protection Officer and liaise with the requester to advise of the response time or any delays at the earliest opportunity.

Data provided to the requester may contain details of other individuals and therefore such data will be redacted (blanked out) to protect those individuals' identity and personal data. Details contained within the documents will pertain to the appropriate individual only.

When responding to the request, the school may decide against disclosing information for a variety of reasons, including if it;

- would have an adverse effect on the rights and freedom of others
- 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 which may be used in legal proceedings.
- would include personal data relating to another individual, where; the school cannot sufficiently anonymise the data to protect that individual's rights', we do not have their consent to release that individuals' data, and it would be unreasonable to proceed without such consent.

If a request is determined to be 'unfounded or excessive, the school has the right to refuse the request, or in some cases, charge a reasonable fee to cover the administrative costs of responding to the request.

If the school refuses a request, they will inform the individual of the reasons why and advise them of their right to complain to the ICO, if they wish to do so.

**11. Complaints to the Information Commissioner**

If you are dissatisfied with the way the school have handled your request and want to make a complaint, you may write to the Information Commissioner, who is an independent regulator. Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

The Information Commissioner can be contacted at:

Information Commissioners Office, Wycliffe House Water Lane Wilmslow Cheshire, SK9 5AF Tel: 0303 123 1113

Website: https://ico.org.uk

**12. Destruction of Records**

Personal data that is no longer required either due to it being out of date, inaccurate or in line with the school retention policy, will be disposed of securely.

The school will shred 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, a third-party assurance will be obtained to provide school with sufficient guarantees that the company complies with data protection law.

**13. CCTV**

The school operates a CCTV system to monitor activities within and around school, to identify instances of criminal activity and in order to ensure the safety and wellbeing of the school community. We do not need to ask the permission of individuals on our school site to record images on CCTV.

The school will only operate overt surveillance and will display signs in the areas of the school where this is in operation. Covert surveillance (i.e., which is intentionally not shared with the individuals being recorded) is not condoned by the school.

Any enquiries or complaints about the schools CCTV system should be directed towards the data protection lead in school (see point 13) in the first instance, who will investigate as required, and respond in accordance with the schools CCTV policy.

**14. Data Breaches**

The school will make all reasonable endeavours to ensure that there are no personal data breaches. The school has robust procedures in place to deal with any personal data breach and will notify the ICO where we are legally required to do so. Data subjects will be notified in instances where the rights and freedoms of such individuals has been compromised. The school will work with their Data Protection Officer to address a breach and school processes will be reviewed to mitigate risks if it is appropriate to do so.

**15. Training**

All staff and governors are provided with data protection training on an annual basis or more regularly where there are changes to legislation guidance or school processes. Training is also part of the induction process for new employees to the school.

**16. Contact Details**

If you wish to make a Subject Access Request (see point 11 and/or appendix A) or have general queries in relation to data protection within school, these should be directed to the Data Protection Lead within the school, Mandy Singh, m.singh@meadowsprimary.org

In the first instance concerns, questions, or complaints, can be discussed with the Data Protection Officer at gdpr@sips.co.uk or telephone number 0121 296 3000. This would include situations where there are concerns about the way a Subject Access Request or a data breach has been addressed or the robustness of policy or procedures within school in relation to Data Protection.

If you remain dissatisfied with the assistance that you have received or if you do not feel your subject access request has been dealt with appropriately or you have concerns with regards to a possible breach you can make a formal complaint to the Information Commissioners Office. This can be done via the website at www.ico.org.uk. Telephone: 0303 123 1113 or in writing to Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A

*This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any change or amendments made to the UK General Data Protection Regulation and Data Protection Act 2018*

Appendix A

## Subject Access Request Form

| | |
|---|---|
| Name | |
| Contact Address | |
| Contact Telephone Number | |
| Name of pupil, data is required for | |
| Pupils Date of Birth | |

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| To ensure a timely response, please provide as much detail as possible about the data you require. |
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Identification requirements - In order for data to be provided and to satisfy all parties that data is being shared with appropriate persons, the Headteacher will require identification of the requester, including proof of address.

If you are a third party requesting data of an individual, written authority from the parent/pupil will be required. Where a power of attorney is in place, evidence of this will be requested prior to the release of data.

Response times - Upon receipt of the completed Subject Access Request and all information required to fulfil the request, The Meadows Primary School will provide a response to you within 30 calendar days in line with GDPR. Should a request be deemed complex, the school will advise you of this and provide a response period, which can be up to 3 calendar months.

Please return the request to The Meadows Primary School, Data Protection Lead contact Mandy Singh, m.singh@meadowsprimary.org or contact on 0121 675 3203