



# St Michael's Prep School

## Privacy Policy (Formerly Data Protection Policy)

Date of Last Review:	June 2018	Review Period:	Every 2 Years
Date of Next Review:	June 2020	Owner:	JAI, DBI & Governors
Type of Policy:	Compliance	Board Approval	June 2018

**Pupils, Parents, Guardians, Staff, Governors, Contractors and Visitors**

### **1. General Statement of the School's Duties**

The School is required to process all relevant personal data for the purposes outlined in its Privacy Notice and shall take all reasonable steps to do so in accordance with this policy and the General Data Protection Regulation which governs it which came into force on 25<sup>th</sup> May 2018.

### **2. Privacy Leader**

The School has appointed a Privacy Leader (PL) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the GDPR May 2018. The Privacy Leader is the Director of Finance and Operations. The School refers to the ICO (Information Commissioner's Office) for advice in all Data and Privacy matters.

### **3. The Principles**

The School shall so far as be reasonably practicable, comply with the Privacy Principles ("the Principles") contained in the GDPR to ensure all data is:

- Fairly, lawfully and transparently processed;
- Processed for a specified, explicit and legitimate purpose;
- Adequate, relevant and not excessive;
- Accurate and up to date;
- Not kept for longer than necessary;
- Secure;

### **4. Definition of Data**

Data is any record processed or retained by the school, in electronic or physical format and includes any expression of opinion about the individual and any indication of the intentions of any person in respect of the individual.

### **5. Responsibilities**

**5.1** All staff are required to be familiar with the GDPR and particularly with the principles that shape it. Provision is made within the Acceptable Use Agreement of the management of data on school iPads.

**5.2** The Director of Finance and Operations oversees all aspects of this policy and is responsible for reviewing its implementation and effectiveness.

**5.3** The Head of the school is responsible for ensuring that adequate training has taken place

**5.4** When undertaking a system change, the school will conduct a Data Protection or Privacy Impact Assessment (PIA) to ensure compliance with GDPR.

### **6. Personal Data**

Personal data covers both facts and opinions about an individual. It includes administrative information necessary to keep in contact, academic information, including photograph and film, pastoral and medical information and for staff includes in addition, employment data, performance data and contractual and disciplinary data. It includes records of internet and computer use using monitoring software. It includes CCTV footage from our security cameras.

### **7. Permission/ Consent to process Personal Data**

**7.1** On acceptance of a place at the school, parents give permission to the school to hold and process personal data for their child and themselves including sensitive personal data. An employee's consent to hold and process data is given by them on acceptance of their contract.

**7.2** For pupils of an age to consent to access to their data, a pupil's permission will be sought. The definition of the age at which this is appropriate will be a matter for discussion and will depend on the maturity of the child. Any information which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the subject of that data.

Governors give consent to the processing of their data when they take up office.

Contractors' agreements state the school's and their own duties in handling data.

Under GDPR the school may not transfer data outside the EEU

The school may not use the data given for any purpose not stated in our Privacy Notice at the time of consent. This tells you exactly what we intend to do with your personal data.

The school will always ask you to opt in to consent.

The school will always keep records of any consent, including how it was obtained and when.

## **8. Sensitive Personal Data or Special Data**

The School may, from time to time, be required to process sensitive personal data regarding staff, governors, pupils and contractors. Sensitive personal data includes medical information and data relating to religion, race, or relate to pastoral or welfare concerns. For staff it might include trade union membership, political opinions, religious beliefs, disciplinary matters, physical or mental health, sex life, and genetic or biometric information. Where sensitive personal data is processed by the School, the explicit consent of the subject will be required in writing.

## **9. Criminal Offence Data**

Where a criminal offence is shown on a DBS check, should this not be considered a restriction to working at the school, the DBS will not be retained beyond the required terms for compliance.

If a member of staff is cautioned, arrested or charged for an offence whilst serving at the school they are expected to discuss this with the Head. Depending on the nature of the offence in some situations this would lead to a termination of contract.

## **10. Rights of Access to Information**

Pupils, parents, guardians, staff and governors have a right of access to information held by the School.

The GDPR provides the following rights for individuals:

10a. The right to be informed

Our Privacy notice explains everything you need to know about what the school keeps /processes and how it is used and shared.

#### **10b.** The right of access

Any person wishing to access their personal data should request this in writing. It may be helpful to complete a Subject Access Request (SAR) but any written request for the release of data is allowable. The School will respond to any such written requests as soon as is reasonably practicable and in any event, within 28 days to provide a reply to an access to information request. The information will be provided as soon as is reasonably possible. For an image requested by an individual, providing that the image is of the applicant and the applicant provides a photograph of himself in order to assist this process, the school will supply this on completion of the appropriate paperwork.

Where the request is manifestly unfounded or excessive, or where further copies are requested, the school may charge a “reasonable fee” for the administrative costs of complying with the request.

If the school considers the issue to be too complex to resolve within that period, then the school may extend the response period by a further two months. If this is necessary, then the school will inform the data subject within one month of their request that this is the case.

#### **10c.** The right to rectification

If the data the school holds on you is inaccurate or incomplete you can request that the school correct it and the school must do this within 28 days. The school may determine that any changes proposed by the data subject should not be made. If this is the case, then the school will explain to the data subject why this is the case. In those circumstances the school will inform the data subject of their right to complain to the Information Commissioner’s Office at the time that the school informs them of the decision in relation to their request.

#### **10d.** The right to erasure/ to be forgotten.

You can ask the school to delete information it holds on you. Depending on what it is the school can usually do this unless erasing it is unlawful/ against the public interest/would damage a criminal investigation or legal claim, in which case you would be informed. The school cannot delete records required by compliance regulations and our insurance.

**10e.**The right to restrict processing. The school can in this instance have data but you might place limitations on how it used. If the school has passed this data to a third party, the school also needs to let them know about these restrictions.

**10f.** The right to data portability. This refers to the possibility of sharing data, for example with another school.

**10g.** The right to object/withdraw consent. If you do not wish to be contacted by the school, you can request this and the school must comply.

An objection to processing does not have to be complied with where the school can demonstrate compelling legitimate grounds which override the rights of the data subject.

**10h.** Rights in relation to automated decision making and profiling. At the moment St Michael's does not have any automated decision making process which any person is affected by.

Any person wishing to access their personal data should request this in writing. It may be helpful to complete a Subject Access Request (SAR) but any written request for the release of data is allowable. The School will respond to any such written requests as soon as is reasonably practicable and in any event, within 28 days to provide a reply to an access to information request. The information will be provided as soon as is reasonably possible. For an image requested by an individual, providing that the image is of the applicant and the applicant provides a photograph of himself in order to assist this process, the school will supply this on completion of the appropriate paperwork.

#### **11a. Purposes for which data can be processed**

For personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the Data Protection Legislation. The school will normally process personal data under the following legal grounds:

where the processing is necessary for the performance of a contract between the school and the data subject, such as an employment contract

where the processing is necessary to comply with a legal obligation that the school is subject to, (eg the Education Act 2011)

where the law otherwise allows the school to process the personal data or the school is carrying out a task in the public interest

where none of the above apply then the school will seek the consent of the data subject to the processing of their personal data.

The school can process data to carry out any of its functions as a school, employer, business and a charity. Clauses relating to the use of data for publicity purposes are found in the Privacy Notice.

#### **11b. Purposes for which special category data can be processed.**

When special category personal data is being processed then an additional legal ground must apply to that processing. The school will normally only process special category personal data under following legal grounds:

where the processing is necessary for employment law purposes, for example in relation to sickness absence.

where the processing is necessary for reasons of substantial public interest, for example for the purposes of equality of opportunity and treatment

where the processing is necessary for health or social care purposes, for example in relation to pupils with medical conditions or disabilities

where none of the above apply then the school will seek the consent of the data subject to the processing of their special category personal data.

## **12. The passing of personal data to third parties**

From time to time the School may pass your personal data (including sensitive personal data where appropriate) to third parties, including local authorities, other public authorities, independent school bodies such as the Independent Schools Inspectorate and the Independent Schools Council, health professionals and the School's professional advisers, who will process the data:

- 12.1** to safeguard pupils', staff, governors' and visitors' welfare and provide appropriate pastoral (and where relevant, medical and dental) care for pupils, staff, parents and governors and visitors;
- 12.2** to enable the relevant authorities to monitor the School's performance
- 12.3** to compile statistical information (normally used on an anonymous basis);
- 12.4** to secure funding for the School (and where relevant, on behalf of individual pupils);
- 12.5** where necessary in connection with learning and extra-curricular activities undertaken by pupils;
- 12.6** to enable pupils to take part in national and other assessments and to monitor pupils' progress and educational needs;
- 12.7** to obtain appropriate professional advice and insurance for the School;
- 12.8** where a reference or other information about a pupil or ex-pupil, member of staff or governor is requested by another educational establishment or employer to whom they have applied;
- 12.9** where otherwise required by law, for example in connection with the Government's National Careers Service, or requested by the Police or Inland Revenue or Home Office;
- 12.10** otherwise where reasonably necessary for the operation of the School

**12.11** The School may also (unless you request otherwise) share personal data about former pupils with any association, society or club set up to establish or maintain relationships with alumni of the School, who may contact alumni from time to time by post, email and SMS about the School and its activities, and for promotional and marketing purposes on behalf of the School.

**12.12** All third parties are data controllers in respect of the personal data they receive, and must themselves comply with the GDPR.

### **13. Exemptions**

**13.1** Certain data is exempted from the provisions of the Data Protection Act which includes the following:

- The prevention or detection of crime and fraud;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School;
- The right to privacy of another subject contained in the records of a third party;
- Where a safeguarding issue will be created by the provision of information

**13.2** The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the Privacy Leader. An up to date list of exemptions which pertain in a school setting can be obtained from the Information Commissioner's website. [www.ico.org.uk](http://www.ico.org.uk)

### **14. Data Retention**

Under the principles of the GDPR data must not be kept longer than is necessary. Our Data Retention Policy gives the framework for deciding how long to keep data. For our archives to record the history of the school, all newsworthy data featured in the newsletter, and programmes from concerts, film and photos from trips and events records of prizes and notable achievements will be retained to chart the history of the school community. These include and are not limited to, score sheets, behaviour and achievement data, scholarship records and our honours boards, Twitter feed and Facebook page.

For compliance with the law all such data as is legally required to be retained for safeguarding purposes will be securely kept.

### **15. Accuracy**

The School will endeavour to ensure that all personal data held in relation to pupils, parents, staff and governors is accurate. All subjects should notify the DPC of any changes to information held about them. A person has the right to request that inaccurate information about them is erased or corrected.

### **16. Enforcement**

If a person believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act and GDPR, the person should complain to the Privacy Leader. A data subject can also raise a complaint with the Information Commissioner's Office in relation to any processing issues that breach this policy.

## **17 Data Security**

The school will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data.

The school will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

Security procedures include:

Entry controls. Any stranger seen in entry-controlled areas should be reported to the Office manager and the Estates Manager

Secure lockable desks and cupboards. Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

Methods of disposal. Paper documents should be shredded. Digital storage devices should be physically destroyed when they are no longer required. IT assets must be disposed of in accordance with the Information Commissioner's Office guidance on the disposal of IT assets.

Equipment. Data users must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.

Working away from the school premises. Staff have remote access to all documents and data. Any access must be for school purposes. Where internet speeds preclude online editing, any documents worked on in a downloaded format must be deleted and the recycle bin erased. Care should be taken with paper documents containing personal data (mark books etc.) These documents remain the property of the school and must be kept secure. Do not leave such papers in a parked car.

Document printing. Documents containing personal data must be collected immediately from printers and not left on photocopiers.

## **18. Openness**

Further questions

If you have any queries about this policy or how personal data is processed by the School, please contact the Director of Finance and Operations on 01959 526041.

If you wish the school to place further limitations on the use of your data, please write to the Headteacher.

## **19.Data Breaches**

If we experience a data breach, we will follow our data breach protocol

### **Data Breach Protocol**

Any staff member causing a data breach or who knows about one must inform the Headteacher and Privacy Leader.

The breach must be contained as soon as possible.

The risk to individuals must be minimised.

The ICO will be informed. The Director of Financing and Operations is responsible for informing the ICO within 72 hours.

The school's insurers must be contacted for advice prior to communicating with parents.

People whose data has been transferred or compromised will be notified and where appropriate receive an apology.

Third parties providing data security services to the school would themselves be responsible for following this protocol. The school, in so far as it is able, will ensure that this happens.

Governors and the Charity Commission would also need to be informed.

A review should be carried out to prevent a reoccurrence.

### **Documents which relate to this policy:**

Terms and Conditions

Acceptance Form

Staff Contract

Contractors' Service provision agreement

Use of Photographic Images Policy

E-safety policy

Data retention policy

Email communication policy

CCTV policy

ICT Acceptable Use Agreement

BYOD policy

Safeguarding and Child Protection Policy

Staff Code of Conduct

Staff Training was carried out in Trinity Term 2015, Lent and Trinity 2018



**You may request your data in writing in any format you wish. This is a simple form you can use if you like.**

**Subject Access Request**

Date of Request .....

I would like to make a Subject Access request.

Name .....

Records Requested.....

Are you the subject of this data record? Yes/ No

If not who is the subject of this data?

If so, please explain why you think you are entitled to have this data.

**Under the GDPR we must provide the information requested within 28 days unless you are not entitled to it or it is exempted.**

## DEFINITIONS

Term	Definition
Data	Information which is stored electronically, on a computer, or in certain paper-based filing systems.
Data Subjects	For the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
Personal Data	Any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Data Controllers	The people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes.
Data Users	Those of our workforce (including governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
Data Processors	Any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
Processing	Any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.
Special Category Personal Data	Information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.
Workforce	Includes any individual employed by St Michael's Prep such as staff and those who volunteer in any capacity including governors [and/or trustees / members/ parent helpers].