



WELLINGTON PRIMARY SCHOOL & NURSERY

DATA PROTECTION POLICY

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Document Control

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DOCUMENT HISTORY

Document Log

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Purpose

The purpose of this document is to set out the School's statement of intent with regard to personal data and to inform all school employees, governors, volunteers and contractors of their responsibilities for handling and protecting the personal data they work with.

Scope

Every person handling information or using School information systems is expected to comply with the School's policies and procedures. This document highlights your key responsibilities and actions that you should take when handling personal data. Should personal data fall into the wrong hands there could be significant repercussions.

1.0 Introduction

Our School has a responsibility under the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA) to obtain, record, hold, use and store all personal data relating to an identifiable individual in a secure and confidential manner.

The Policy provides a framework within which the School will ensure compliance with the requirements of the legislation and associated regulations and will underpin any operational procedures and activities connected with the processing of personal data.

The School is committed to ensuring that personal data is handled in a secure and confidential manner in accordance with its obligations under the GDPR, DPA, associated regulations and professional guidelines. The School will use all appropriate and necessary means at its disposal to comply with the legislation and associated guidance.

2.0 Legislation, Guidance and Background

The GDPR and DPA govern the collection and use of personal data that identifies living individuals directly or indirectly and includes information held in all formats. In addition it provides a mechanism by which individuals (data subjects) can have control over the way in which their personal data is held and processed.

The legislation:

- states that all personal data must be processed within the legal framework set out in six data protection principles.
- sets out the lawful basis for processing personal data.
- identifies certain personal data as special category data and requires additional safeguards and processing requirements to be taken in relation to this.

- provides data subjects with a number of enforceable rights over their personal data.
- sets out the responsibilities and requirements of Data Controllers and Data Processors.
- gives regulatory and enforcement powers to the Information Commissioner Office (ICO)
- requires Data Controllers to report data breaches that will or are likely to result in a risk to the rights and freedoms of data subjects to the ICO.

Further information relating to the legislative requirements of the GDPR and DPA can be found at <https://ico.org.uk/>.

3.0 Definitions

Term	Definition
<p>Personal data</p>	<p>Any information relating to an identified or identifiable living individual. For example:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data including Online identifiers <p>It may also include factors specific to an individual’s physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<p>Special categories of personal data</p>	<p>Personal data which is considered to be more sensitive and therefore requires further safeguards:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetic data • Biometric data where used for identification purposes (such as fingerprints, retina and iris patterns) • Health – physical or mental • Sex life or sexual orientation • Criminal offences and procedures

Term	Definition
Processing	Any operation or set of operations performed on personal data including: 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 to whom the personal data relates.
Data controller	A person or organisation that determines the purposes and 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.

4.0 Roles and Responsibilities

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

4.1 The Data Controller

Our School processes personal data relating to pupils, staff, parents, carers, governors, visitors and others; and therefore is a Data Controller.

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

4.2 Governing Body

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

The Governing Body will monitor activities and incidents. It will ensure that there are adequate resources to support the work outlined in this policy to ensure compliance with the legislation.

4.3 Data Protection Officer

The School's Data Protection Officer (DPO) is Ms Samantha Smith who can be contacted by E-mail: igschools@herefordshire.gov.uk; Tel: 01432 260282; Post: Information Governance, Herefordshire Council, Plough Lane, HR4 0LE

The DPO is responsible for the following tasks:

- informing and advising the School, any processor engaged by the School and any member of the School workforce who processes personal data, of their obligations under the legislation.
- providing advice for the carrying out of a data protection impact assessments and monitoring the same.
- acting as the point of contact for and co-operating with the ICO.
- monitoring compliance by the School with relevant legislation and guidance.
- monitoring compliance with School policies in relation to the protection of personal data, including:
 - assigning responsibilities under those policies.
 - raising awareness of those policies.
 - training staff involved in processing operations.
 - conducting audits required under those policies.

The School will provide the DPO with the necessary resources and access to personal data and processing operations to enable them to perform the tasks outlined above.

4.4 Headteacher

The Headteacher acts as the representative of the Data Controller on a day-to-day basis.

4.5 Staff and Governors

All staff and governors will ensure that:

- personal data is treated in a confidential manner in accordance with this and any associated policies.
- the rights of data subjects are respected at all times.
- privacy notices will be made available to inform data subjects how their data is being processed.

- personal data is only used for the stated purpose, unless explicit consent has been given by the data subject to use their information for a different purpose.
- personal data is only disclosed on a strict need to know basis, to recipients who are entitled to that information.
- personal data will be held securely within applications, systems, personal or shared drives and will only be accessed in order to carry out work responsibilities.
- personal data is recorded accurately and is kept up to date.
- they immediately refer to the relevant procedure upon receipt of a subject access request and/or requests in relation to the rights of data subjects.
- they immediately refer to the relevant procedure should an actual or potential personal data breach occur .

It is the responsibility of all staff and governors to ensure that they comply with the requirements of this policy and any associated policies or procedures.

4.6 Contractors and Agency Staff

Where contractors are used, the contracts between the School and these third parties must contain mandatory information assurance clauses to ensure that the contract staff are bound by the same code of behaviour and policies as School staff and governors, including this policy.

4.7 Volunteers

All volunteers are bound by the same code of behaviour and policies as School staff and governors, including this policy.

5.0 Collecting, Processing and Sharing Personal Data

We will only collect and process personal data in line with the principles set out by the legislation.

Whenever we collect personal data directly from individuals we will provide them with the relevant information required by data protection law in the form of a Privacy Notice.

The School's Privacy Notices can be found at www.wellingtonhereford.com

Data will only be shared when the law, our policies or the consent of the data subject allows us to do so.

6.0 Data Processors

The School must have written contracts in place with all suppliers who process personal data on behalf of the School as “data processors”. The School will ensure that processors are only appointed if they can provide sufficient guarantees through the procurement process that the requirements of the GDPR and DPA will be met and the rights of data subjects are protected.

7.0 Data Protection by Design

We will 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 and always processing personal data in line with the data protection principles set out in the legislation.
- Completing data privacy impact assessments where the School’s processing of personal data presents a high risk to the rights and freedoms of individuals and when introducing new technologies.
- Integrating data protection into internal documents including any related policies and procedures.
- Regularly training the School workforce and governors on data protection law and practice, relevant policies and procedures.
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant.
- Maintaining records of type of personal data collected, held and our processing activities.

8.0 Data Security and Records Management

The School will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and protect against accidental or unlawful loss, destruction or damage.

All School workforce and governors must ensure that information relating to data subjects is kept secure and confidential at all times.

The School will ensure that information is not transferred to countries outside the European Economic Area (EEA) unless that country has an adequate level of protection for security and confidentiality of information which has been confirmed by the Information Commissioner.

All records should be retained and disposed of in accordance with the School Retention Schedule.

9.0 Related Policies, Procedures and Guidance

All School workforce and governors should ensure they regularly check and abide by the following policies, procedure and guidance documents:

- Code of Conduct

- Complaints Policy
 - Complaints Procedure

- Data Protection Policy
 - Privacy Notices
 - Rights of the Data Subject Guidance
 - Data Subject Rights Procedure
 - Subject Access Procedure (including Education Records Request)
 - Data Incident and Breach Procedure

Events Policy

Off-site visits policy

- School Performance Procedure ??
- Sports Day Procedure ??

- E Safety Policy
 - Information Security – Personal Responsibilities Policy

- Photography Policy
 - Device Procedure re photographs

- Records Management Policy
 - Records retention schedule – got a Records keeping policy

- Social Media Policy
 - Procedures for using social media

Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years.

Policy review will be undertaken by the Headteacher