Sir Roger Manwood's School

DATA PROTECTION POLICY

Approved: May 2026

Date for next review: May 2029

Document Owner and Approval

The Head Teacher is the owner of this document and is responsible for ensuring that this policy document is reviewed in line with the School's policy review schedule.

Introduction

The UK General Data Protection Regulation (UK GDPR) ensures a balance between an individual's rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business. It aims to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data.

The School will protect and maintain a balance between data protection rights in accordance with the UK GDPR. This policy sets out how we handle the personal data of our pupils, parents, suppliers, employees, workers and other third parties.

Legislation

This policy meets the requirements of the:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020
- Data Protection Act 2018 (DPA 2018)

It is based on guidance published by the Information Commissioner's Office (ICO) on the UK GDPR and guidance from the Department for Education (DfE) on Generative artificial intelligence in education.

This policy does not form part of any individual's terms and conditions of employment with the School and is not intended to have contractual effect. Changes to data protection legislation will be monitored and further amendments may be required to this policy in order to remain compliant with legal obligations.

Section 1 – Definitions

Personal Data	Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous

	data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour. Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.
Special Category Data and Data Relating to Criminal Convictions and Offences	Previously termed "Sensitive Personal Data", Special Category Data is similar by definition and refers to data concerning an individual Data Subject's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical and mental health, sexuality and biometric or genetic data. Personal data relating to criminal offences and convictions is included here for the purposes of this policy. This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.
Data Subject	An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.
Data Controller	The organisation storing and controlling such information (i.e., the School) is referred to as the Data Controller.
Processing	Processing data involves any activity that involves the use of personal data. This includes but is not limited to: obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

Data Protection Impact Assessment (DPIA)	DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.
Data Breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
Pseudonymised	The process by which personal data is processed in such a way that that it cannot be used to identify an individual without the use of additional data, which is kept separately and subject to technical and organisational measures to ensure that the personal data cannot be attributed to an identifiable individual.

Section 2- Roles and responsibilities

The School processes personal data relating to parents and carers, pupils staff, governors, volunteers, visitors, contractors and others, and is therefore **a data controller**. The School is registered with the Information Commissioner's Office (ICO) as legally required: Z9214592.

The Governing Body has overall responsibility for ensuring that Sir Roger Manwood's School complies with all relevant data protection obligations. It is responsible for ensuring the school's policies are up-to-date and for monitoring their implementation.

The Data Protection Officer (DPO) is responsible for the implementation of the school's policies. The School has appointed an external DPO, Judicium. Details of how the DPO can help are set out below.

The contact details are:
Data Protection Officer: Judicium Consulting Limited
Address: 5th Floor, 98 Theobalds Road, London, WC1X 8WB
Email: dataservices@judicium.com
Web: www.judiciumeducation.co.uk
Telephone: 0345 548 7000 (option 1, then option 1 again)

The Head Teacher acts as the representative of the DPO on a day-to-day basis and is the first point of contact for questions and reporting data breaches, in the following circumstances:

- With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
- With 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 UK
- If there has been a data breach

All staff are responsible for informing the school of any changes to their personal data, such as a change of address. They must also collect, store and process any personal data in accordance with this policy.

Members of staff may have access to the personal data of other members of staff, suppliers, parents or pupils of the School in the course of their employment or engagement. If so, the School expects those employees to help meet the School's data protection obligations to those individuals. Specifically, they must: -

- Only access the personal data that they have authority to access, and only for authorised purposes;
- Only allow others to access personal data if they have appropriate authorisation;
- Keep personal data secure (for example, by complying with rules on access to school premises, computer access, password protection and secure file storage and destruction
- Not remove personal data or devices containing personal data from the School premises unless appropriate security measures are in place (such as pseudonymisation, encryption, password protection) to secure the information;
- Not store personal information on local drives.

All members of staff are required to familiarise themselves with the policy content and comply with the provisions contained in it. "Staff" is here defined as employees, governors, trustees and volunteers. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the School's Disciplinary Policy and Procedure up to and including dismissal, depending on the seriousness of the breach.

How the DPO can help

Please contact the Headteacher in the first instance, if you have any questions about the UK GDPR, the operation of this policy or, any concerns that this policy is not being, or has

not been, followed. Should the matter remain unresolved or require further escalation, please contact the school's DPO.

In particular, you can contact the DPO in the following circumstances:

(a) If you are unsure of the lawful basis being relied on by the School to process personal data;

(b) If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);

(c) If you need to draft privacy notices or fair processing notices;

(d) If you are unsure about the retention periods for the personal data being processed but would refer you to the School's Data Retention Policy in the first instance;
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(e) If you are unsure about what security measures need to be put in place to protect personal data;

(f) If there has been a personal data breach and would refer you to the procedure set out in the School's Data Breach Policy

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(g) If you are unsure on what basis to transfer personal data outside the EEA;

(h) If you need any assistance dealing with any rights invoked by a data subject;

(i) Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;

(j) If you plan to undertake any activities involving automated processing or automated decision making;

(k) If you need help complying with applicable law when carrying out direct marketing activities;

(l) If you need help with any contracts or other areas in relation to sharing personal data with third parties.

Section 3 – The Principles by which the school can process Personal Data

The School is responsible for adhering to the principles relating to the processing of personal data as set out in the UK GDPR.

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

The following sets out how the School will comply with the Principles.

Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner

The School will only collect, process and share personal data where 1 of 6 lawful bases (legal reasons) exists under data protection law.

- The data needs to be processed so that the school can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual or another person i.e. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task in the public interest or exercise its official authority
- The data needs to be processed for the legitimate interests of the school (where the processing is not for any tasks the school performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent

For **special categories of personal data**, we will also meet 1 of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law.** This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law. For example, where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of an employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For **criminal offence data**, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**

- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

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

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect or use personal data in ways which have unjustified adverse effects on them.

Consent

Where the School relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the UK GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent is needed in cases of processing special category data and requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their non-special category personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity does not amount to valid consent.

Data subjects must be able easily to withdraw consent to processing at any time and withdrawal must be promptly honoured. They do not need to give reasons for the withdrawal of consent.

In cases of processing special category data where explicit consent is required, the School will normally seek another legal basis to process that data. However, if explicit consent is required, the data subject will be provided with full information in order to provide explicit consent.

The School will keep records of consents obtained in order to demonstrate compliance with consent requirements under the UK GDPR.

Personal data about a child belongs to that child, and not the child's parents or carers. Children aged 12 and above are generally considered to be mature enough to understand their rights and to give consent to collection of their personal data.

Principle 2: Personal data must be collected only for specified, explicit and legitimate purposes

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

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.

We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate.

Principle 3: Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed

The School will only process personal data when our obligations and duties require us to. We will not collect excessive data and will ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, the School shall delete or anonymise the data. Please refer to the School's Data Retention Policy for further guidance.
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Principle 4: Personal data must be accurate and, where necessary, kept up to date

The School will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the School.

Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. The School will ensure that they adhere to legal timeframes for retaining data.

We will take reasonable steps to destroy or erase from our systems all personal data that we no longer require. We will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

Please refer to the School's Retention Policy for further details about how the School retains and removes data.

Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage

In order to ensure the protection of all data being processed, the School will develop, implement and maintain reasonable safeguards and security measures. This includes using measures such as: -

- Encryption;
- Pseudonymisation (as outlined above);
- Ensuring authorised access on both hard copy and electronic files (i.e. that only people who have a need to know the personal data are authorised to access it);
- Adhering to confidentiality principles;
- Ensuring personal data is accurate and suitable for the process for which it is processed.

The School will follow procedures and use technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data. For example:

- in a case where information must be redacted, the School will require two members of staff to check redacted information before it is shared.

- The School will consider whether sharing fully redacted statements with third parties is the most appropriate course of action, through liaison with the DPO, or whether alternatives such as summaries would be more appropriate;
- The School will consider whether sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;

Sharing Personal Data with third parties

The School will generally not share personal data with third party service providers unless certain safeguards and contractual arrangements have been put in place. The following points will be considered:

- Whether a third party service provider has a need to know the information for the purposes of providing the contracted services;
- Whether the third party has agreed to comply with the required data security standards, policies and procedures and implemented adequate security measures;
- Whether the transfer complies with any applicable cross border transfer restrictions; and
- Whether a fully executed written contract that contains UK GDPR approved third party clauses has been obtained.

There may be circumstances where the School is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities; for example, the Local Authority, Ofsted or the Department of Health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of the School shall be clearly defined within written notifications including details and the basis for sharing the data. Further information can be found in the privacy notice.

Transfer of Data Outside the European Economic Area (EEA)

The UK GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the UK GDPR is not undermined.

The School will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the UK GDPR. All staff must comply with the School's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

Transfer of Data Outside the UK

The School may transfer personal information outside the UK and/or to international organisations on the basis that the country, territory or organisation is designated as having an adequate level of protection. Alternatively, the organisation receiving the information has provided adequate safeguards by way of binding corporate rules, Standard Contractual Clauses or compliance with an approved code of conduct.

Direct Marketing

The School is subject to certain rules and privacy laws when marketing. For example, a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

The School will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. The School will promptly respond to any individual objection to direct marketing.

Section 4 – Data Subjects' Rights and Requests

Personal data must be made available to data subjects as set out within this policy. Data subjects must be allowed to exercise certain rights in relation to their personal data, as follows:.

(a) withdraw consent to processing at any time (where consent is relied upon as a condition of processing);

(b) ask the School to rectify their personal data if there are mistakes

(c) Receive certain information about the School's processing activities;

(d) Request access to their personal data that we hold (see "Subject Access Requests" at Appendix 1);

(e) Prevent our use of their personal data for marketing purposes;

(f) Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;

(g) Restrict processing in specific circumstances;

(h) Challenge processing which has been justified on the basis of our legitimate interests or in the public interest;

(i) Request a copy of an agreement under which personal data is transferred outside of the EEA;

(j) Object to decisions based solely on automated processing;

(k) Prevent processing that is likely to cause damage or distress to the data subject or anyone else;

(l) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;

(m) Make a complaint to the supervisory authority, which is the Information Commissioner in England and Wales https://ico.org.uk/global/contact-us/; and

(n) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member within the School to verify the identity of the individual making the request.

The School may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

Personal Data Breaches

The UK GDPR requires the School to notify any applicable personal data breach to the Information Commissioner's Office (ICO).

We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where we are legally required to do so. Please refer to our Data Breach policy. This is available

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If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately contact the person designated as the key point of contact for personal data breaches who is the Headteacher.

Transparency and Privacy Notices

The School will provide detailed, specific information to data subjects. This information will be provided through the School's privacy notices which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can

easily understand them. The School's privacy notices are tailored to suit the data subject and set out information about how the School uses their data.

Whenever we collect personal data directly from data subjects, including for human resources or employment purposes, we will provide the data subject with all the information required by the UK GDPR. This includes the identity of the Data Protection Officer, the School's contact details, how and why we will use, process, disclose, protect and retain personal data. This information will be provided within our privacy notices.

When personal data is collected indirectly (for example, from a third party or a publicly available source), where appropriate, we will provide the data subject with the above information as soon as possible after receiving the data. The School will also confirm whether that third party has collected and processed data in accordance with the UK GDPR.

Notifications shall be in accordance with ICO guidance and where relevant, be written in a form understandable by those defined as "children" under the UK GDPR.

Privacy by Design

The School adopts a "privacy by design" approach to data protection to ensure that we adhere to data compliance and to implement technical and organisational measures in an effective manner.

Privacy by design is an approach that promotes privacy and data protection compliance from the start. To help us achieve this, the School takes into account the nature and purposes of the processing, any cost of implementation and any risks to rights and freedoms of data subjects when implementing data processes. We will do this by:

- 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
- Completing data protection impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- 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

- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of our school 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, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

Data Protection Impact Assessments (DPIAs)

In order to achieve a privacy by design approach, the School conduct DPIAs for any new high risk technologies or programmes being used by the School which could affect the processing of personal data. The School carries out DPIAs when required by the UK GDPR in the following circumstances: -

- For the use of new technologies (programs, systems or processes) or changing technologies;
- For the use of automated processing;
- For large scale processing of special category data; and
- For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

Our DPIAs contain: -

- A description of the processing, its purposes and any legitimate interests used;
- Details of what types of data are shared;
- Steps taken by the third party and the school in order to protect data;
- An assessment of the necessity and proportionality of the processing in relation to its purpose;
- An assessment of the risk to individuals; and
- The risk mitigation measures in place and demonstration of compliance.

CCTV

The School uses CCTV in various locations around the school site to ensure it remains safe. The School does not need to ask individuals' permission to use CCTV but makes it clear where individuals are being recorded.

Refer to the School's CCTV Policy for more information.

Photographs and videos

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

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

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.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

Artificial Intelligence, Automated Processing and Automated Decision Making

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. The School recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, the School will treat this as a data breach.

Automated decision making is generally prohibited when a decision has a legal or similar significant effect on an individual unless:

(a) The data subject has given explicit consent;

(b) The processing is authorised by law; or

(c) The processing is necessary for the performance of or entering into a contract.

If certain types of sensitive data are being processed, then (b) or (c) above will not be allowed unless it is necessary for the substantial public interest (for example, fraud prevention).

If a decision is to be based solely on automated processing, then data subjects must be informed of their right to object. This right will be explicitly brought to their attention and presented clearly and separately from other information. Further, suitable measures must be put in place to safeguard the data subject's rights and freedoms and legitimate interests.

The School will also inform the data subject of the logic involved in the decision making or profiling, the significance and envisaged consequences and give the data subject the right to request human intervention, express their point of view or challenge the decision.

The School will carry out a data protection impact assessment before any automated processing or automated decision-making activities are undertaken.

Section 5 -- Record Keeping and data security

The School is required to keep full and accurate records of our data processing activities (Records of Processing Activities (ROPA). These records include: -

- The name and contact details of the School;
- The name and contact details of the Data Protection Officer;
- Descriptions of the types of personal data used;
- Description of the data subjects;
- Details of the School's processing activities and purposes;
- Details of any third party recipients of the personal data;
- Where personal data is stored;
- Retention periods; and
- Security measures in place.

Disposal 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, 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 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our online safety policy)
- 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

Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

Section 6 – Training and Monitoring

Training

The School will ensure all relevant personnel have undergone adequate training to enable them to comply with data privacy laws. The school will carry out adequate training with all staff every 2 years.

Audit

The School, through its Data Protection Officer regularly tests its data systems and processes in order to assess compliance. These are done through data audits which take place annually in order to review use of personal data.

Related Policies

Staff should refer to the following policies that are related to this Data Protection Policy:-

- Data Breach
- Data Retention
- Privacy Notices

These policies are also designed to protect personal data and can be found at

https://srmskentschuk.sharepoint.com/sites/StaffShared/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FStaffShared%2FShared%20Documents%2FImportant%20Documents%2FPolicies%**2FApproved**%20policies%2FData%20Protection&sortField=LinkFilename&isAscending=true&viewid=d4a7011e%2Ded09%2D4ecc%2D83fc%2Dab5d0cc7c4d0.

Monitoring

The Audit and Risk Committee of the Governing Body monitors data breaches at each meeting. The school will monitor the effectiveness of this and all of our policies and procedures and conduct a full review and update as appropriate.

Our monitoring and review will include looking at how our policies and procedures are working in practice to reduce the risks posed to the School.

This policy will be reviewed annually.

Appendix 1 – Subject Access Requests

Under Data Protection Law, data subjects have a general right to find out whether the School holds or processes personal data about them, to access that data, and to be given supplementary information. This is known as the right of access or the right to make a data subject access request (SAR). The purpose of the right is to enable the individual to be aware of and verify the lawfulness of the processing of personal data that the School is undertaking. It is designed to assist individuals in understanding how and why we are using their data and to check that we are doing so lawfully. The main provisions are to be found in Articles 12 and 15 of the UK GDPR and Section 45 of the Data Protection Act 2018.

This appendix provides guidance for staff members on how data subject access requests should be handled and for all individuals on how to make a SAR.

Failure to comply with the right of access under UK GDPR puts both staff and the School at potentially significant risk and so the School takes compliance with this policy very seriously.

A data subject has the right to be informed by the School of the following: -

(a) Confirmation that their data is being processed;
(b) Access to their personal data;
(c) A description of the information that is being processed;
(d) The purpose for which the information is being processed;
(e) The recipients/class of recipients to whom that information is or may be disclosed;
(f) Details of the School's sources of information obtained;
(g) In relation to any personal data processed for the purposes of evaluating matters in relation to the data subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct; and
(h) Other supplementary information.

Dealing with a SAR is time critical and must be prioritised. Other than in exceptional cases, we will have only one month in which to respond to a SAR and, even if an extension of the time limit is permitted, the individual must still be informed within that month of the fact that the request will take longer to process and the reasons for the delay. Failure to deal with a SAR within that period could leave us open to the possibility of being fined by the ICO.

All staff must be aware of the potential for receiving a SAR and the importance of dealing with such as request as a matter of urgency.

Anyone within the School may receive a SAR. It does not need to be made to a nominated person or even to a person responsible for dealing with either the data subject or information of that type. It will be equally as valid if sent to anyone within the school.

If you receive a SAR, please contact the Headteacher. A request for information does not need to mention that it is a SAR provided that it is clear that it is an individual asking for their own personal data. There is no specified wording and it does not have to be on an official form. A SAR does not need to be in writing and can be made verbally, by post, by email or even using social media where relevant.

How to Recognise a Subject Access Request

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g., a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation as to whether the School process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid SAR can be both in writing (by letter, email, WhatsApp text, social media) or verbally (e.g., during a telephone conversation or meeting). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of information that the School hold about me' would constitute a data subject access request and should be treated as such.

A data subject is generally only entitled to access their own personal data and not information relating to other people.

How to Make a Data Subject Access Request

Whilst there is no requirement to do so, we encourage any individuals who wish to make such a request to make the request in writing, detailing exactly the personal data being requested. This allows the School to easily recognise that you wish to make a data subject access request and the nature of your request. If the request is unclear/vague we may be required to clarify the scope of the request which may in turn delay the start of the time period for dealing with the request.

If a request is made verbally, we will ensure we follow this up with something in writing to confirm what has been requested and outline the timeframe for dealing with the request.

What to do When You Receive a Data Subject Access Request

All data subject access requests should be immediately directed to the Headteacher who should contact Judicium as DPO in order to assist with the request and what is required. There are limited timescales within which the School must respond to a request and any delay could result in failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual. If ever in doubt, please refer the request to the Headteacher.

Acknowledging the Request

When receiving a SAR the School will acknowledge the request as soon as possible and inform the requester about the statutory deadline (of one calendar month) to respond to the request.

In addition to acknowledging the request, the School may ask for:

- proof of ID (if needed);
- further clarification about the requested information if it is not clear what information is required;
- if it is not clear where the information should be sent, the School must clarify what address/email address to use when sending the requested information; and/or
- consent (if requesting third party data).

The School should work with their DPO in order to create the acknowledgment.

Verifying the Identity of a Requester or Requesting Clarification of the Request

Before responding to a SAR, the School will take reasonable steps to verify the identity of the person making the request. In the case of current employees and current students, this will usually be straightforward. The School is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where the School has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data, the School may ask the requester for more information for the purpose of clarifying the request, but the requester shall

never be asked why the request has been made. The School shall let the requestor know as soon as possible where more information is needed before responding to the request.

When it is necessary to verify the identity of the person making the request, the one calendar month period for responding begins when sufficient confirmation of identity is provided.

When it is necessary to request more information for the purpose of clarifying the request, the one calendar month period for responding pauses when further information is requested and does not restart until sufficient clarification is provided.

In both cases, the school will be unable to comply with the request if they do not receive the additional information.

Requests Made by Third Parties or on Behalf of Children

The school needs to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written authority to make the request, or it might be a more general power of attorney. The School may also require proof of identity in certain circumstances.

If the School is in any doubt or has any concerns as to providing the personal data of the data subject to the third party, then it should provide the information requested directly to the data subject. It is then a matter for the data subject to decide whether to share this information with any third party.

When requests are made on behalf of children, it is important to note that even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the School should consider whether the child is mature enough to understand their rights. If the school is confident that the child can understand their rights, then the School will usually respond directly to the child or seek their consent before releasing their information.

The School will assess if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, the School will take into account, among other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;

- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment;
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that the School is confident that they understand their rights and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the School will require the written authorisation of the child before responding to the requester or provide the personal data directly to the child.

The School may also refuse to provide information to parents if there are consequences of allowing access to the child's information – for example, if it is likely to cause detriment to the child.

Fee For Responding to a SAR

The School will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive, a fee to cover administrative costs may be requested. If a request is considered to be manifestly unfounded or unreasonable the School will inform the requester why this is considered to be the case and that the School will charge a fee for complying with the request.

A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

If a fee is requested, the period of responding begins when the fee has been received.

Time Period for Responding to a SAR

The School has one calendar month to respond to a SAR. This will run from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received. If the deadline to comply with the request falls on the weekend or public holiday, the deadline will be the next working day.

The circumstances where the School is in any reasonable doubt as to the identity of the requester, this period will not commence unless and until sufficient information has

been provided by the requester as to their identity and in the case of a third party requester, the written authorisation of the data subject has been received. Where the school may be required to get consent from a pupil, the time period will not start until consent is received.

The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO will always be consulted in determining whether a request is sufficiently complex as to extend the response period.

Where a request is considered to be sufficiently complex as to require an extension of the period for response, the School must notify the requester within one calendar month of receiving the request, together with reasons as to why this extension is considered necessary.

School Closure Periods

The school may not be able to respond to requests received during or just before school closure periods within the one calendar month response period. This is because no one will be on site to comply with the request. As a result, it is unlikely that a request will be able to be acknowledged or dealt with during this time. The School will endeavour to comply with requests as soon as possible and will keep in communication with the requester as far as possible.

Information to be Provided in Response to a Request

The individual is entitled to receive access to the personal data the School processes about him or her and the following information:

- the purpose for which the School processes the data;
- the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations;
- where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the fact that the individual has the right:
    - to request that the School rectifies, erases or restricts the processing of his personal data; or
    - to object to its processing;
    - to lodge a complaint with the ICO;
    - where the personal data has not been collected from the individual, any information available regarding the source of the data;
    - any automated decision the School has taken about him or her together with meaningful information about the logic involved, as well as the

significance and the envisaged consequences of such processing for him or her.

The information should be provided in a way that is concise, transparent, easy to understand and easy to access using clear and plain language, with any technical terms, abbreviations or codes explained. The response should be given in writing if the SAR was made in writing in a commonly used electronic format.

The information that the School is required to supply in response to a SAR must be supplied by reference to the data in question at the time the request was received. However, as the School has one month in which to respond, the School is allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data is supplied if such amendment or deletion would have been made regardless of the receipt of the SAR.

Therefore, the School is allowed to carry out regular housekeeping activities even if this means deleting or amending personal data after the receipt of a SAR. The School is not allowed to amend or delete data to avoid supplying the data.

How to Locate Information

The personal data the School needs to provide in response to a data subject access request may be located in several of the electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.

Depending on the type of information requested, the School may need to search all or some of the following:

- electronic systems, e.g., databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data, CCTV;
- manual filing systems in which personal data is accessible according to specific criteria, e.g., chronologically ordered sets of manual records containing personal data;
- data systems held externally by our data processors;
- safeguarding systems (such as CPOMS, MyConcern);
- MIS system (such as SIMS, Bromcom, Arbor);
- occupational health records;
- pensions data;
- share scheme information;
- insurance benefit information.

The School should search these systems using the individual's name, initials, employee number or other personal identifier as a search determinant.

Protection of Third Parties - Exemptions to the Right of Subject Access

There are circumstances where information can be withheld pursuant to a SAR. These specific exemptions and requests should be considered on a case-by-case basis.

The School will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the School does not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information unless:

- the other individual has consented to the disclosure; or
- it is reasonable to comply with the request without that individual's consent.

In determining whether it is reasonable to disclose the information without the individual's consent, all of the relevant circumstances will be taken into account, including:

- the type of information that they would disclose;
- any duty of confidentiality they owe to the other individual;
- any steps taken to seek consent from the other individual;
- whether the other individual is capable of giving consent; and
- any express refusal of consent by the other individual.

It needs to be decided whether it is appropriate to disclose the information in each case. This decision will involve balancing the data subject's right of access against the other individual's rights. If the other person consents to the school disclosing the information about them, then it would be unreasonable not to do so. However, if there is no such consent, the school must decide whether to disclose the information anyway. If there are any concerns in this regard then the DPO should be consulted.

Other Exemptions to the Right of Subject Access

In certain circumstances, the School may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.

Crime detection and prevention: The School does not have to disclose any personal data being processed for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty.

Confidential references: The School does not have to disclose any confidential references given to, or received from, third parties for the purpose of actual or prospective:

- education, training or employment of the individual;
- appointment of the individual to any office; or
- provision by the individual of any service

Legal professional privilege: The School does not have to disclose any personal data which is subject to legal professional privilege.

Management forecasting: The School does not have to disclose any personal data processed for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity.

Negotiations: The School does not have to disclose any personal data consisting of records of intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations.

Refusing to Respond to a Request

The school can refuse to comply with a request if the request in certain circumstances. These include:

- Where the SAR is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature;
- To avoid obstructing an official or legal inquiry, investigation or procedure;
- To avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
- To protect public security;
- To protect national security;
- To protect the rights and freedoms of others.

In the event that you have concerns about supplying the information, you must always refer the matter to the School's DPO who will make the decision on the School's behalf.

In the event that the School decides not to comply with the SAR, the data subject must be informed, without undue delay (and in all cases within one month of receipt of the request), of:

- The reasons we are not taking action;
- That they have a right to make a complaint to the ICO or another supervisory authority; and
- That they are entitled to seek to enforce their right through a judicial remedy.

If a request is found to be manifestly unfounded or excessive the school can:

- request a "reasonable fee" to deal with the request; or
- refuse to deal with the request.

In either case the School will justify the decision and inform the requestor about the decision.

The reasonable fee should be based on the administrative costs of complying with the request. If deciding to charge a fee the school should contact the individual promptly and inform them. The school do not need to comply with the request until the fee has been received.

Record Keeping

A record of all subject access requests shall be kept by the Headteacher's PA. The record shall include the date the SAR was received, the name of the requester, what data the School sent to the requester and the date of the response.

Appendix 2 – Subject Access Request Form

The Data Protection Act 2018 provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to make a request for your data. Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of Identity

We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g., bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

Section 1

Please fill in the details of the data subject (i.e., the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- ☐ Birth certificate
- ☐ Driving licence
- ☐ Passport
- ☐ An official letter to my address

Personal Information

If you only want to know what information is held in specific records, please indicate in the box below. Please tell us if you know in which capacity the information is being held, together with any names or dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant.

Details:

Employment records:

If you are, or have been employed by the School and are seeking personal information in relation to your employment please provide details of your staff number, unit, team, dates of employment etc.

Details:

Section 2

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e., the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title	
Surname/ Family Name	
First Name(s)/Forenames	
Date of Birth	
Address	
Post Code	
Phone Number	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- ☐ Birth certificate
- ☐ Driving licence
- ☐ Passport
- ☐ An official letter to my address

What is your relationship to the data subject? (e.g., parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- ☐ Letter of authority
- ☐ Lasting or Enduring Power of Attorney
- ☐ Evidence of parental responsibility
- ☐ Other (give details):

Section 3

Please describe as detailed as possible what data you request access to (e.g., time period, categories of data, information relating to a specific case, paper records, electronic records).

I wish to:

- ☐ Receive the information by post*
- ☐ Receive the information by email
- ☐ Collect the information in person

- ☐ View a copy of the information only
- ☐ Go through the information with a member of staff

*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Please send your completed form and proof of identity by email to:
head@srms.kent.sch.uk