



Highburton CE (VC) First School

Data protection and use of information policy

October 2021

Review October 2023

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1. Introduction

Highburton CE (VC) First School data protection and use of information policy sets out the principles for handling data responsibly and securely within our school. This policy is also related to data concerning natural persons about whom we hold data and is designed to fulfil the requirements of the General Data Protection Regulations (GDPR) that come into force in May 2018.

Schools are obliged by law to fulfil the requirements of the GDPR and ensure that procedures are in place to satisfactorily assure that all areas of this policy are operating in practice.

In addition to this, the School is committed to ensuring that we have a safe data environment that respects the rights of all people that are affected by the scope of the GDPR and beyond. Constant improvements in a changing data environment will be strived for, and systems and individuals falling below the standards expected will be challenged.

2. Key policy principles

- Highburton CE (VC) First School recognises that it is a public authority, as defined by the GDPR and must take accountability for this data and use of information policy in this context. As such we recognise that we are accountable for the Data we control and have a responsibility to ensure those that process our data do so in line with the GDPR requirements.
- Highburton CE (VC) First School is serious about maintaining the highest standards of data management, ensuring that all people that are our data subjects are treated with respect and their rights are understood and held in high regard.
- Highburton CE (VC) First School will monitor its data environment and ensure that all data that we control or process is audited regularly and, if appropriate, assessment made as to the impact of data processing on our data subjects.
- Due regard will be given to the design of our systems so as to ensure that security of people's data is given high priority and that we will only hold data that is needed to lawfully and legitimately fulfil our organisation's operation. People within our organisation will only be given access to data that they need to carry out their roles and responsibilities at the school.
- We will uphold the rights of individuals to make legitimate requests for data, in a variety of categories as defined by the regulations and will respond to these requests reasonably and as laid out by the regulations.
- We will not hold data for longer than is reasonably needed and will dispose of time expired data in a suitable way given the level of sensitivity of the data.
- Highburton CE (VC) First School will ensure that the organisation has the necessary skill and support to respond to data requests, by having a suitably trained Data Protection Officer who will co-ordinate policy and procedures, respond to such requests and report to the board on progress against the requirements of the GDPR.

- Should any data breaches occur then these issues will be dealt with promptly and efficiently, as required by the GDPR, and Highburton CE (VC) First School will liaise with the Information Commissioners Office, through the Data Protection Officer, and other agencies as directed in order to remedy these breaches and to learn lessons from any such breaches.
- Highburton CE (VC) First School will communicate with people that are classified as our data subjects (people who we hold data on) and will inform them of what data we hold about them via privacy notices and what the lawful reason for holding this data is, and for how long we will hold the data. This will ensure that our processes are transparent and that all people included in our data recording activities are treated fairly.
- Highburton CE (VC) First School will give training to all staff on data management with regard to the scope of the GDPR in order to ensure better data security and to specific staff on the management of data where that is appropriate to their role.
- Should the standards our school expects not be adhered to, accidentally or deliberately, then appropriate investigation will be conducted, recommendations made and remedial action taken, potentially including disciplinary action.

3. Our data

It will be the responsibility of Highburton CE (VC) First School to ensure that we have a clear understanding of any data that we hold with regards to our data subjects (as defined by the GDPR).

This data must be understood at a granular level and the reason for holding this data must be understood. Furthermore, a lawful reason for holding this data must be established and documented in order to ensure that our data subjects are protected from inappropriate use of their personal data and to minimise the risk of identity fraud.

An initial data audit will be conducted to establish what data is being held and whether or not the data held complies with the requirements of the GDPR. This audit will be a detailed exercise and will establish a number of factors including:

- A. all characteristics that are held with relation to the data subject
- B. whether special category data is held
- C. how long the data should be held for
- D. What the lawful reason for holding the data is
- E. what system the data is held on
- F. who is responsible for managing that data system

Once the initial data audit is conducted further work will be done to ensure that all aspects of this policy are complied with, or that an action plan is in place to close gaps. A further audit will be conducted annually, with the aim of bringing the records of what data is held up to date, ensuring accuracy of those records and to ensure that new data systems have been included and their impact assessed and that data due for destruction has been destroyed securely.

4. Compliance with the GDPR and managing information responsibly

As the data controller for our information Highburton CE (VC) First School has a number of responsibilities with regard to ensuring that our data is compliant with the requirements of the GDPR. We will ensure that these responsibilities are upheld by complying with the GDPR and more specifically putting the following processes in place.

- Undertaking a data audit on an annual basis (as above) in order to ensure that we understand the data that we hold and have a record of our processing activities.
- Reviewing the design of our data to ensure that we are minimising the risk of data breaches and that unnecessary data is not held in our systems
- Communicating with data subjects at least annually with reference to the data that we hold and why we hold it. This will be done through the issue of privacy notices, and in the case of our students will be delivered via their parents (for all children falling below the age of responsibility as defined by the GDPR and the ICO for the UK).
- Putting a process in place for managing all data requests received from our data subjects and other parties that may request information from our organisation. This process will ensure that all the rights of the individual as laid out in the GDPR are respected and that timescales are adhered to.
- Highburton CE (VC) First School will appoint a Data Protection Officer who will be responsible for co-ordinating and implementing the policy of the School. They will ensure compliance across the school, report to the Board of Governors on progress against the requirements of the policy and be the published contact point for requests for information.
- Highburton CE (VC) First School will contact data processors in order to ensure that the requirements of the GDPR are being put in place. This will include, but is not limited to, information regarding the processing of data in international environments.
- A documented process will be put in place in order to ensure that data breaches are recorded and decisions made about communication with the Information Commissioners Office and the data subjects of any such breach.
- Data retention periods for each element of data identified in the data audit process will be established and as part of the annual audit appropriate destruction /deletion of this data will be undertaken.
- The way in which data is used by data users in our organisation will be explained clearly and each user of data will be asked to record their understanding of their responsibilities. An acceptable use statement will be prepared for different information users so that it is clear to them how to use data in an acceptable way as a part of our school community.
- We will provide guidance, best practice and requirements for ensuring that online safety is promoted and monitored in our school. This will be done in the best interests of the whole school community and will be reviewed regularly in order to ensure that the impact of developing technologies is taken into consideration.

5. Training and awareness

The training of staff and other users of data at our school will be given a high priority, to minimise the risk of inappropriate use of data, to minimise the risk of data breaches and promote the best practice in delivering the objectives of the school whilst respecting the rights of our data subjects.

Training will be given on a regular basis and will include different messages for different staff and users of data. Staff or other users of data that handle specific or sensitive data will be given further training as necessary to ensure that they are fully aware of the impact that they might have if data is not handled appropriately.

We will also promote awareness amongst the whole community of data users and data subjects alike to ensure that there is an awareness of the need for balancing the needs of the school in controlling and processing personal data with the rights of individuals in protecting their own data.

6. Review

Our data environment is extremely dynamic meaning that review of our approach to information systems must remain under review and keep up to date with recent developments. This will mean that this policy will be updated annually and the schedules that inform the procedures that are in place for specific elements of our policy will be updated to reflect best practice and changing regulations. This will be done annually as a minimum

APPENDIX I

Data protection and use of information policy – Key responsibilities

Introduction

We all have responsibilities for using protecting personal data and using information responsibly. To ensure that this happens on a consistent basis throughout our organisation this will be made clear to all that are part of our data ecosystem, and specific responsibilities will be given to ensure there is clarity around accountability and responsibility for particular areas of implementing the policy.

The responsibilities of the various parties affected by this policy are as follows:

A. Local Governing Bodies

The Local Governing Body of Highburton CE (VC) First School school is ultimately responsible for ensuring that the Data protection and use of information policy in place complies with the General Data Protection Regulations and satisfies other guidance relating to the use of information in schools.

They will monitor the policy and ensure recommendations and reports submitted to them by the ICO or Data Protection Officer are given due consideration and action taken as necessary.

Local Governing Bodies will receive the data audit, data impact assessment and information regarding any data breaches and information requests for the school during the course of the year and ensure that action is being taken to maintain high standards of data management.

Local Governing bodies will review the data protection and use of information policy and its schedules on a periodic basis to ensure that the policy remains coherent and up to date.

The Local Governing Body will also be asked to ensure the oversight of the implementation of any actions as agreed at meetings from time to time.

The Local Governing Body will be responsible for appointing the Data Protection Officer on an annual basis.

B. Headteachers

Headteachers are responsible for reporting to the Local Governing Body with respect to the operation of the data protection and use of information at school policy at school level and updating the LGB on any actions as requested.

Headteachers are also responsible (and may delegate this responsibility to suitably qualified staff) for ensuring that only necessary access to data is given to all members of the school's community (e.g. pupils / staff / governors / visitors / contractors).

Headteachers are responsible for ensuring all users of data in the school (including visitors) are given appropriate training and/or information to ensure compliance with regulations and the highest standards of information security.

The Headteacher will be responsible for organising investigations into inappropriate use of information and ensuring actions are taken to minimise the risk of re-occurrence.

C. Data Protection Officer

The Data Protection Officer has specific responsibilities laid out in the General Data Protection Regulations. The principles of these are laid out below:

To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.

To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.

To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).

In carrying out these responsibilities, the Data Protection Officer will report to the Local Governing Body and submit reports and recommendations regarding the operation of the policy. The Local Governing Body will ensure that the Data Protection Officer is protected from any disciplinary action with regards to carrying out their duty with regards to the GDPR.

The Data Protection Officer will be appointed on an annual basis and will work under the direction of the Governing body, having access to inform this decision making body directly.

D. Third- party data processors

Where external companies are used to process personal data on behalf of the school, accountability for the security and appropriate use of that data remains with the school and ultimately the LGB.

Where a third-party data processor is used:

- a data processor must be chosen providing sufficient guarantees and evidence about its ability to protect the personal data of the data controller's data subject.
- reasonable steps must be taken that such security measures are in place, including written or contractual evidence that data security measures are in place with regards to relevant data.
- Further assurances regarding data processed outside of the United Kingdom must be sought in order to ensure that appropriate security is in place for the processing of this data.

E. Pupils and other children accessing data

Pupils will be given clear guidance on the acceptable use of information within their school life. It is their responsibility to adhere to these guidelines and ensure that they follow the school's guidance in this area.

They are expected to adhere to all of this guidance and any breaches will be investigated and further action may be taken.

Further details of what their responsibilities with regard to this can be found in the Acceptable use of IT schedule.

F. Staff

Staff and other users may be given access to data and use this in the course of doing their work or employment. It is their responsibility to ensure that data that they have access to will be treated within the guidelines outlined. Each of these individuals will be given training on the use of data and protecting the rights of data subjects. Failure to comply may result in disciplinary action against the individual.

G. Other users of information

Other users of information in the school must be given guidance on what information they are able to access. This will be designed to absolutely minimise access to personal data and will be within a clearly defined lawful reason, supported by a data sharing agreement where appropriate. When being given access to this information the school will monitor that this information is the only information being accessed. It is the responsibility of these users to access only the information agreed and misuse of information will lead to corrective action up to and including legal action and remedies.