

Freegrounds Junior School



Data Protection & General Data Protection Regulation Policy

Date of last review: November 2020

Date approved by Governing Body:

Date of next review: November 2022

Committee responsible for implementation and review: FGB

Signed _____ Chair of Governors

We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making robust updates to many existing data protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We have the duty to ensure that we comply with this new regulation by considering the impact that the GDPR will have on this school and to ensure new policies and procedures are in place before the GDPR comes into effect.

We believe that we comply with the current DPA and we realise that many of the GDPR's main concepts and principles are much the same as those in the DPA but we are aware that there are new elements, significant improvements and a new accountability that we need to address for the first time. We understand that under the GDPR:

- data management is strengthened and unified;
- it will become illegal not to have a formal contract or service level agreement with a chosen data processor;
- the data processor must be GDPR compliant;
- there will be higher penalties for non-compliance with the GDPR;
- data breaches must be reported within 72 hours;
- individuals have greater control over their personal data.

We are committed to the protection of all personal and sensitive data for which we hold responsibility as the Data Controller. We believe the handling of such data is in line with the data protection principles and that access to such data does not breach the rights of the individuals to who it relates.

We acknowledge the GDPR's definition of personal data as 'meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier' such as name, identification number, location data or online identifier. It applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

At all times we ensure the principles of the DPA are applied and that data is:

- processed lawfully;
- obtained and processed for specific and lawful purposes;
- sufficient, appropriate and not excessive in relation to the precise purpose;
- accurate and up to date;
- not kept for a disproportionate length of time;
- processed in agreement with the individual's legal rights;
- protected against unlawful processing, accidental loss, destruction or damage;

- not transferred outside the EU unless the rights and freedom of the individual is protected.

We have the responsibility to ensure that all changes to data protection legislation will be monitored and implemented in order to remain compliant with all requirements. All school personnel will attend training in order to be made aware of data protection policies and legal requirements.

All our data processing activities will be registered with the Information Commissioner's Office (ICO). The ICO will be notified of any changes to the type of data processing activities being undertaken and the register will be amended accordingly.

We are aware that the GDPR places greater emphasis on accountability and therefore the Data Protection Officer will keep up to date documentation of all data protection activities.

We all have a responsibility to ensure equality permeates in to all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth.

Aims

- To ensure compliance with the General Data Protection Regulations.
- To strengthen and unify the safety and security of all data held within the school.
- To ensure the protection of all personal and sensitive data for which we hold responsibility as the Data Controller.

Roles & Responsibility

Role of the Governing Body

The Governing Body has:

- the responsibility to comply with the legal requirements of the new General Data Protection Regulation 2018;
- in accordance with the GDPR appoint a Data Protection Officer who has expert knowledge of data protection law and practices;
- the responsibility to ensure the DPO:
 - operates independently and is not dismissed or penalised for undertaking their role;
 - keeps the Governing Body up to date with all data protection activities;
 - has adequate resources to meet their GDPR obligations;
 - keeps up to date documentation of all data protection activities.
- the responsibility to ensure data is processed in accordance with the eight principles under the GDPR;
- delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school;
- nominated a link governor to monitor compliance through the following activities:
 - visit the school regularly;
 - work closely with the Headteacher and Data Protection Officer;
 - ensure that everyone connected with the school is aware of this policy;
 - attend training related to this policy;
 - annually report to the Governing Body on the success and development of this policy.
- responsibility for the effective implementation, monitoring and evaluation of this policy.

Role of the Headteacher

The Headteacher will:

- act as 'Data Controller' for the school;

- To ensure training is undertaken for all school personnel and governors when necessary.

Subject Access Requests

- To update procedures and monitor the implementation of requests within the one month timescale and to provide any additional information.

Legal basis for protecting personal data

- To review the various types of data processing that the school carries out, identifying and documenting the legal basis for carrying it out.

Consent

- To review how the school seeks, obtains and records consent and consider any changes that are required.

Data breaches

- To ensure the right procedures are in place to detect, report and investigate a personal data breach.

Data Protection Officers

- To have in place a designated Data Protection Officer to take responsibility for data protection compliance.

Role of the Data Protection Officer

The Data Protection Officer will:

- have expert knowledge of data protection law and practices;
- inform the school and school personnel about their obligations to comply with the GDPR and other data protection laws;
- ensure data management is strengthened and unified;
- monitor compliance with the GDPR and other data protection laws;
- manage internal data protection activities;
- ensure risk and impact assessments are conducted in accordance with ICO guidance;
- report data breaches within 72 hours;
- ensure individuals have greater control over their personal data;
- ensure that prior to the processing of an individual's data that:
 - the process is in line with ICO guidance;
 - the process is transparent;
 - the individual will be notified;
- share an individual's data where it is a legal requirement to provide such information;
- process all written subject access requests from individuals within 40 days of receiving them;
- have in place written confirmation or service level agreement with a chosen data processor who is GDPR compliant;
- ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
- train school personnel;
- conduct audits.

Role of School Personnel

School personnel will:

- attend GDPR awareness training;
- comply with all aspects of this policy;
- be aware of all other linked policies.

Raising Awareness of this Policy

We will *share and* raise awareness of this policy via:

- the Staff Handbook;
- the school website;
- meetings with school personnel;

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.