

Kingsmoor Academy General Data Protection Regulation (GDPR) Policy

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General Data Protection Regulation (GDPR) Policy

Statement of intent

Kingsmoor Academy is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

The academy is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the academy and any third party contracted to provide services within the academy.

This policy fully complies with the requirements set out in the GDPR, which will come into effect on 25 May 2018. The government have confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

Notification of Processing / Data breach

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified immediately to the individual(s) concerned and the ICO.

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

The Principal will ensure that all staff members are made aware of, and understand, what constitutes a data breach as part of their continuous development training.

All notifiable breaches will be reported to affected individuals and the ICO within 72 hours of the academy becoming aware of it.

Within a data breach notification report, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned.
- The name and contact details of the DPO
- An explanation of the likely consequences of the personal data breach

- A description of the proposed measures to be taken to mitigate any possible adverse effects

The completed Breach notification report should be passed to the Principal or member of the Senior Leadership Team immediately. Failure to report a breach when required to do so will result in a fine, as well as a fine for the breach itself.

Personal and Sensitive Data

All data within the academy's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates. The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The principles of the Data Protection Act shall be applied to all data processed:

1. Processed fairly and lawfully
2. Obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes
3. Accurate and, where necessary, kept up to date,
4. Adequate, relevant and not excessive in relation to the purposes for which it is processed
5. Not kept for longer than is necessary for those purposes
6. Processed in accordance with the rights of data subjects under the DPA
7. Protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage
8. Not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information

Fair Processing / Privacy Notice

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and students prior to the processing of individual's data.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation. <https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/>

A separate privacy notice (Appendix 2 and 3) will be written for pupils as well as their parents and carers to ensure that our terms are understood by all.

The intention to share data relating to individuals to an organisation outside of our academy shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information. Any proposed change to the processing of individual's data shall first be notified to them.

Data Security

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>
<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacy-impactassessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures.

The security arrangements of any third party organisation with which data is shared shall also be considered and these organisations shall provide evidence of the competence in the security of shared data and give clear information of how they are in compliance with the GDPR legislation.

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.

Confidential paper records will not be left unattended or in clear view anywhere with general access.

Digital data is encrypted or password protected.

Where it is absolutely necessary to save sensitive data on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.

Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.

All electronic devices are password-protected to protect the information on the device in case of theft.

Staff and governors will not use their personal laptops, computers, tablets or smart phones for academy purposes.

All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

Circular emails to parents and carers are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.

When sending confidential information by fax, staff will always check that the recipient is correct before sending.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking this information from the Academy premises accepts full responsibility for the security of the data.

Before sharing data, all staff members will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

Under no circumstances are visitors allowed to access confidential or personal information. Visitors to areas of the academy containing sensitive information are supervised at all times.

The systems security of the academy buildings and storage systems, and access to them, is reviewed on a termly basis. If an increased risk of vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.

Kingsmoor Academy takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action.

The Data Protection Officer assigned by Academy Transformation Trust is responsible for the security and protection of data.

Subject Access Requests

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. Individuals can submit a subject access request to gain access to their personal data in order to verify the lawfulness of the processing. We shall respond to such requests within 40 days.

The academy will verify the identity of the person making the request before any information is supplied. A copy of the information will be supplied to the individual free of charge; however, the academy may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a subject access request has been made electronically, the information will be provided in a commonly used electronic format. Where a request is repetitive a reasonable fee will be charged. All fees will be based on the administrative cost of providing the information. All requests will be responded to without delay.

In the event of numerous complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

When a request is manifestly unfounded or excessive, the academy holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the ICO within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, the academy will ask the individual to specify the information the request is in relation to.

https://ico.org.uk/media/fororganisations/documents/1586/personal_information_online_small_business_checklist.pdf

<https://ico.org.uk/media/for-organisations/documents/1235/definition-document-academys-inengland.pdf>

Photographs, video and CCTV footage

The academy understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles. Images of staff and students may be captured at appropriate times and as part of educational activities for use at the academy only. It is the academy's policy that external parties (including parents) may not capture images of staff or students during such activities without prior consent.

The academy notifies all pupils, staff and visitors of the purpose for collecting CCTV images via notice boards around the academy. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose.

The academy will always indicate its intentions for taking photographs of pupils and will retrieve permission before publishing them.

If the academy wishes to use images/video footage of pupils in a publication, such as the academy website, prospectus, or recordings of Academy plays or promotional material, written permission will be sought from the parent or pupil.

Data Portability

Individuals have the right to obtain and reuse their personal data for their own purposes. The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller
- Where the processing is based on the individual's consent or for the performance of a contract.
- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form. The academy will provide the information free of charge on the first occasion. Where feasible, data will be transmitted directly to another organisation at the written request of the individual, as long as the organisation are themselves GDPR compliant. Where this is not the case it will be transmitted to the individual.

Kingsmoor Academy is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, Kingsmoor Academy will consider whether providing information would prejudice the rights of any other individual.

The academy will respond to any requests for portability within 40 days.

Privacy by Design

Kingsmoor Academy will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the academy has considered and integrated data protection into processing activities.

Data protection impact assessments will be used to identify the most effective method of complying with the academies' data protection obligations and meeting individuals' expectations of privacy. A Data Protection Impact Assessment will be used when using implementing new or untried technologies.

The academy will ensure that when completion of a Data Protection Impact Assessment is necessary it shall include the following information:

- A description of the processing operations and the purposes
- An assessment of the necessity and proportionality of the processing in relation to the purpose.
- An outline of the risks to individuals
- The measures implemented to address the risk

Data Retention

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Paper documents will be shredded and the electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

Data Disposal

The academy recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process. Disposal of IT assets holding data shall be in compliance with ICO guidance.

Responsibilities for GDPR compliance

The Principal provides support to the Data Protection Officer for the Trust (Claire Pritchard).

The Data Protection Officer (DPO) will:

- I. ensure the academy is registered with the Information Commission;
- II. notify the Information Commissioner of the purposes of the academy in processing personal data and reviewing this notification as appropriate;
- III. develop and implement work instructions to ensure compliance with this policy: regularly reviewing the physical security of, and restrictions of access to personal information;
- IV. monitor adherence to the Data Protection Policy;
- V. take responsibility for the day-to-day protection matters.

The Academy Leadership Team

Develop and encourage good information handling practices with the academy.

All Staff

Ensure that all personal data supplied to the academy is accurate and up-to-date. Ensure that changes to a student's personal data are given to the administration team as soon as possible. Ensure that all personal data which they hold is kept securely and is not disclosed to an unauthorised third party.

Students and Parents

Ensure that all personal data supplied to the academy is accurate and up-to-date.

Staff Training

All staff will receive training about data protection and the academy's policy and procedures.

Privacy Notice

The academy will inform parents and students in a privacy notice of what personal information is collected and why, and which other organisations information may be shared with, ie Ofsted, Local Authority, etc. This document will be shared with all parents, and will also be available on the academy website at all times.

Policy review

This policy will be reviewed every two years by the Data Protection Officer and the Principal. The next scheduled review date for this policy is May 2020

Subject Access Request

Dear

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing. Here is the necessary information:

Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer Other (please specify):
Correspondence address	<div>Post Code:</div>
Contact number	
Email address	
Details of the information requested	Please provide me with: <i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</i> <ul style="list-style-type: none"> • Your personnel file • Your child's medical records • Your child's behavior record, held by [insert class teacher] • Emails between 'A' and 'B' between [date]

If you need any more information from me, please let me know as soon as possible. Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, must supply me with the information within 40 days.

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

Yours sincerely

GDPR Privacy Notice for Parents

All schools have been advised to inform parents and carers about the rules governing data held on pupils. The information below sets out how Kingsmoor Academy operates within the legal requirements and legitimate interests set out in the GDPR (General Data Protection Regulations) and UK law. We hope you find it helpful.

Who processes your information?

Kingsmoor Academy is the data controller of the personal data you provide to us. This means the academy determines the purposes for which, and the manner in which, any personal data relating to pupils and their families is to be processed.

In some cases, we may share your data with an outsourced third-party processor; however, this will only be done with your consent, unless the law requires the school to share your data. Where the academy outsources data to a third-party processor, the same data protection standards that Kingsmoor Academy upholds are imposed on the processor.

Claire Pritchard (Academy Transformation Trust) is the data protection officer. Her role is to oversee and monitor the academy's data protection procedures, and to ensure they are compliant with the GDPR. The data protection officer can be contacted via admin@kingsmooracademy.attrust.org.uk

Why do we collect and use your information?

Kingsmoor Academy holds the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, LA and/or the DfE. We collect and use personal data in order to process the data lawfully and as set out in the GDPR (Article 6 and Article 9) and UK law, including those in relation to the following:

For non-special/non-sensitive data:

- ☐ in relation to a contract for education with you and contained in the Education Act 1996
- ☐ in relation to secondary education under Limitation Act 1980
- ☒ in relation to management of the school under the Education (Governor's Annual Reports) (England) (Amendment) Regulations 2002 SI 2002, No 1171
- ☒ in relation to School Admissions Code, Statutory guidance for admission authorities, governing bodies, local authorities, school's adjudicators and admission appeals panels December 2014
- ☐ in relation to Regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

For special /sensitive data:

- ☒ in relation to the protection of children under the "Keeping children safe in education statutory guidance for schools and colleges 2016"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children 2015"
- ☐ in relation to the safeguarding of children under the Safeguarding Act 2006 In accordance with the above, the personal data of pupils and their families is collected and used for the following reasons:

1. Where we are required to by law, including: To support pupil learning
 - To monitor and report on pupil progress
 - To provide appropriate pastoral care
 - To comply with the law regarding data sharing
 - To the Government agencies, including the police
 - To obtain relevant funding for the academy
 - To safeguard pupils
 - To provide or obtain additional services including advice and/or support for your family.

2. Where the law otherwise allows us to process the personal data as part of our functions as a Trust and academy, or we are carrying out a task in the public interest, including:

- To confirm your identity.
- To communicate matters relating to the Trust and Academy to you.
- To safeguard you, our pupils and other individuals.
- To enable payments to be made by you to the Trust or Academy.
- To ensure the safety of individuals on the Trust/Academy site.
- To aid in the prevention and detection of crime on the Trust/Academy site.

3. Where we otherwise have your consent.

Which data is collected?

The categories of pupil information that the academy collects, holds and shares include the following:

- Personal information – e.g. names, pupil numbers, addresses and parent/carers contact numbers and email, emergency contact details and relationship marital status.
- Characteristics – e.g. ethnicity, language, nationality, country of birth and free school meal eligibility.
- ☐ CCTV footage and images obtained when you attend the academy site.
- Attendance information – e.g. number of absences and absence reasons.
- Assessment information – e.g. national curriculum assessment results and public examination results.
- ☐ Relevant medical information.
- ☐ Information relating to SEND.
- Behavioural information – e.g. number of detentions and fixed term exclusions.
- ☐ Post-16 destinations

Whilst the majority of the personal data you provide to the academy is mandatory, some is provided on a voluntary basis (eg permission to use photographs for our newsletters, website, displays, etc and for ParentPay). When collecting data, the academy will inform you whether you are required to provide this data or if your consent is needed.

Where consent is required, the academy will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

Where do we get your personal data from?

We will obtain an amount of your personal data from you, by way of information gathering exercises at appropriate times, such as when your child joins the academy and when you attend the academy site and are captured on our CCTV system. We may also obtain information about you from other sources. This might include information from local authorities or other professional bodies.

How long is your data stored for?

Personal data relating to pupils at Kingsmoor Academy and their families is stored in line with GDPR guidelines. The school which any pupil attends until statutory leaving age is responsible for retaining the pupil record until the pupil reaches 25 years of age.

In accordance with the GDPR, the academy does not store personal data indefinitely; all other data is only stored for as long as is necessary to complete the task for which it was originally collected. How long we need to hold on to any information will depend on the type of information.

Will my information be shared?

We do not share information about our pupils with anyone without consent unless the law and our policies allows us to do so.

The academy is required to share pupils' data with the DfE on a statutory basis under regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013. This data sharing underpins school funding and educational attainment policy and monitoring.

The National Pupil Database (NPD) is managed by the DfE and contains information about pupils in schools in England. Kingsmoor Academy is required by law to provide information about our pupils to the DfE as part of statutory data collections, such as the school census; some of this information is then stored in the NPD. The DfE may share information about our pupils from the NPD with third parties who promote the education or wellbeing of children in England by:

- ☐ Conducting research or analysis.
- ☐ Producing statistics.
- ☐ Providing information, advice or guidance

The DfE has robust processes in place to ensure the confidentiality of any data shared from the NPD is maintained. To find out more about the NPD, go to <https://www.gov.uk/government/publications/nationalpupil-database-user-guide-and-supporting-information>.

Kingsmoor Academy will not share your personal information with any third parties without your consent, unless the law allows us to do so. The academy routinely shares pupils' information with:

- Pupils' destinations upon leaving the school
- ☐ Our multi-academy trust; Academy Transformation Trust
- ☐ The Local Authority
- ☐ The NHS ie.School Nurse services
- ☐ The DfE - <https://www.gov.uk/education/data-collection-and-censuses-for-schools>
- ☐ Contractors, such as payment processing providers to enable payments to be made by you to the academy.

What are your rights?

Parents and pupils have the following rights in relation to the processing of their personal data. You have the right to:

- ☐ Be informed about how Kingsmoor Academy uses your personal data;
- ☐ Request access to the personal data that Kingsmoor Academy holds;
- ☐ Object to processing of personal data likely to cause, or is causing, damage or distress;
- ☐ Prevent processing for the purpose of direct marketing;
- ☐ Object to decisions being taken by automated means;
- ☐ In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and claim compensation for damages caused by a breach of the Data protection regulations.

Where the processing of your data is based on your consent, you may be able to withdraw such consent in limited circumstances.

If you have a concern about the way Kingsmoor Academy and/or the DfE is collecting or using your personal data, we request that you raise your concern with us in the first instance by contacting admin@kingsmooracademy.attrust.org.uk

You can also raise a concern with the Information Commissioner's Office (ICO). The ICO can be contacted on 0303 123 1113, Monday-Friday 9am-5pm or via this link <https://ico.org.uk/concerns>

Where can you find out more information?

If you would like to find out more information about how we and/or the DfE collect, use and store your personal data, please contact Claire Pritchard, the appointed data protection officer at Academy Transformation Trust: Claire Pritchard via admin@kingsmooracademy.attrust.org.uk

When will this notice be updated?

We reserve the right to vary and amend this privacy notice to comply with the changes to legislation. An up to date copy of this notice will be available on the academy website.

