DATA PROTECTION POLICY

At St John's School we use the teachings of the Church of England to embed the following core Christian values.
These are:

Friendship

Forgiveness

Trust

and Compassion

These values will underpin the following Policy.

This Policy is reviewed every two years by the Headteacher and the Full Governing Body

Date Agreed:	11th February 2021
Review Date:	11th February 2023
Signed by: Headteacher	
Signed by: Chair of Governors	

Contents

1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR.

In addition, this policy complies with our funding agreement and articles of association.

3. Definitions

TERM	DEFINITION
Personal data	Any information relating to an identified, or identifiable, living individual. This may include the individual's: › Name (including initials) › Identification number › Location data › Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: › Racial or ethnic origin › Political opinions › Religious or philosophical beliefs › Trade union membership › Genetics › Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes › Health – physical or mental › Sex life or sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.

TERM	DEFINITION
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

4. The data controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The school is registered with the ICO / has paid its data protection fee to the ICO, as legally required.

5. Roles and responsibilities

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

5.1 Governing body

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

St John's CE Primary School have employed the services of the SPS Data Protection Officer who can be found at the following address.

SPS DPO Services

Email – sps-dpo-services@isystemsintegration.com

Correspondence address – SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent BR1 1LT

5.3 Headteacher

The headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy

- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
    - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
    - If they have 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 European Economic Area
    - If there has been a data breach
    - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
    - If they need help with any contracts or sharing personal data with third parties

6. Data protection principles

The GDPR is based on data protection principles that our school must comply with.

The principles say that 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

This policy sets out how the school aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 ‘lawful bases’ (legal reasons) to do so 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 one 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**
- 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
- 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.

7.2 Limitation, minimisation and accuracy

We 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.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule.

8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
    - Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
    - Only share data that the supplier or contractor needs to carry out their service

We will also share personal data with law enforcement and government bodies where we are legally required to do so.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data internationally, we will do so in accordance with data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address

- Details of the information requested

If staff receive a subject access request in any form they must immediately forward it to the DPO.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We 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.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests

- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

As an Academy we have no obligation to provide automatic parental right of access to the educational record of your child in our setting, but we may choose to provide this and will consider each case as it is presented to us.

11. 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 for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

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 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.

12. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- 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 European Economic Area (EEA), where different data protection laws will 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 EEA and the safeguards for those, retention periods and how we are keeping the data secure

13. Data security and storage 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 and our policy on acceptable use])
- 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 (see section 8)

14. 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.

15. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

16. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

17. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed every **2 years** and shared with the full governing board.

18. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- Online Safety Policy
- Acceptable Use Policy
- Child Protection and Safeguarding Policy

Appendix 1: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach, or potential breach, the staff member, governor or data processor must immediately notify the headteacher who will notify the data protection officer (DPO). The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
    - Lost
    - Stolen
    - Destroyed
    - Altered
    - Disclosed or made available where it should not have been
    - Made available to unauthorised people
- Staff and governors will cooperate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the headteacher and the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen before and after the implementation of steps to mitigate the consequences
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's self-assessment tool
- The DPO will document the decisions (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored securely in GDPRis within the school's computer system.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of the school's awareness of the breach. As required, the DPO will set out:
    - A description of the nature of the personal data breach including, where possible:
        - The categories and approximate number of individuals concerned
        - The categories and approximate number of personal data records concerned
    - The name and contact details of the DPO
    - A description of the likely consequences of the personal data breach
    - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
    - A description, in clear and plain language, of the nature of the personal data breach

- The name and contact details of the DPO
- A description of the likely consequences of the personal data breach
- A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned

- The DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
    - Facts and cause
    - Effects
    - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
- Records of all breaches will be stored securely in GDPRis within the school's computer system.
- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO and headteacher will meet regularly to assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches

Actions to minimise the impact of data breaches

We set out below the steps we might take to try and mitigate the impact of different types of data breach if they were to occur, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Set out the relevant actions you will take for different types of risky or sensitive personal data processed by your school. For example:

Sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the [ICT department/external IT support provider] to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- In any cases where the recall is unsuccessful or cannot be confirmed as successful, the DPO will consider whether it is appropriate to contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will endeavor to obtain a written response from all the individuals who received the data, confirming that they have complied with this request
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its safeguarding partners.

All other breaches will be dealt on a case by case basis with professional advice from our DPO.

Appendix 2: Privacy Notices

Privacy notice for staff

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at our school.

We, St John's CE Primary School, are the 'data controller' for the purposes of data protection law.

Our data protection officer is the SPS Data Protection Officer who can be contacted at the following address:

SPS DPO Services

Email – sps-dpo-services@isystemsintegration.com

Correspondence address – SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent BR1 1LT

The personal data we hold

.We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Name
- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Safeguarding information, DBS number, Disqualification by Association information
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving license and car registration
- Photographs
- **CCTV images**

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs and sexual orientation
- Health, including any medical conditions, sickness records and disability status

Why we use this data

The purpose of processing this data is to help us run the school, including to:

- Enable you to be paid including necessary deductions
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body
- To support absence insurance claims
- To report to the DFE

Our legal basis for using this data

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

Collecting this information

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

How we store this data

Staff records are stored securely in paper files and on the school's secure server.

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with the Information and Records Management Society's toolkit for schools, available on request from the school office.

Data sharing

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with the General Data Protection Regulation, otherwise known as the GDPR) we may share personal information about you with:

- Our local authority, to meet legal obligation
- The Department for Education, to meet legal obligation
- Your family or representatives with written consent, to protect your vital interests
- Educators and examining bodies, to fulfill a contract
- Our regulator, ESFA, to meet legal obligation
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll
- Our auditors, to meet legal obligation
- Health authorities, to fulfill a contract
- Health and social welfare organisations, to meet legal obligation such as Riddor reporting
- Professional advisers and consultants, to fulfill a contract
- Police forces, courts, tribunals, to meet legal obligation
- Ofsted, to meet legal obligation

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with the GDPR.

Your rights

How to access personal information we hold about you

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school holds about them.

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you

- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please apply in writing, citing your reasons to the Headteacher.

Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Headteacher.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our Data Protection Officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at https://ico.org.uk/concerns/
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Headteacher in the first instance.

- Mr D Smith at headteacher@st-johns-maidstone.kent.sch.uk

or alternatively contact our Data Protection Officer at the following address:

- Email – sps-dpo-services@isystemsintegration.com
- Correspondence address – SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent BR1 1LT

Privacy notice for Parent/Carers

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about pupils.

We, St John's CE Primary School, are the 'data controller' for the purposes of data protection law.

Our data protection officer is the SPS Data Protection Officer who can be contacted at the following address:

SPS DPO Services

Email – sps-dpo-services@isystemsintegration.com

Correspondence address – SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent BR1 1LT

The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Name
- Contact details, contact preferences, date of birth, identification documents
- Parental, sibling and extended family details
- Children who are adopted from care, looked after children, under special guardianship
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, language, eligibility for free school meals, Pupil Premium or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs of your child
- Carefully chosen and vetted educational apps
- CCTV images

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists
- Carry out research
- Comply with the law regarding data sharing

In order to meet statutory requirements around appropriate education provision and to fulfil safeguarding requirements, we share information about school history and the latest known pupil and parent address and contact details in the event of a Child Missing Education, or becoming Electively Home Educated. This information also supports the in-year admissions process.

Our legal basis for using this data

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap and there may be several grounds which justify our use of this data.

Collecting this information

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

How we store this data

Children's records are stored securely in paper files and on the school's secure server.

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. We will adhere to the Information Management Toolkit for Schools Document.

Data sharing

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with the General Data Protection Regulation, otherwise known as the GDPR) we may share personal information about pupils with:

- Our local authority (e.g. admissions)
- The Department for Education (e.g. attainment)
- The pupil's family and representatives (e.g. attendance)
- Educators and examining bodies (e.g. SATS test papers)
- Our regulators Ofsted, DFE and the ESFA (e.g. pupil data)
- Suppliers and service providers (e.g. sports coaches)
- Central and local government (e.g. attainment)
- Health authorities (e.g. immunisations)
- Health and social welfare organisations (e.g. social services)
- Professional advisers, bodies and consultants (e.g. Educational psychologist)
- Police forces, courts, tribunals (in relation to safeguarding)
- Collaborating schools for moderating purposes

National Pupil Database

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on how it collects and shares research data.

You can also contact the Department for Education with any further questions about the NPD.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Parents and pupils' rights regarding personal data

Individuals have a right to make a **'subject access request'** to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

As a parent of a pupil attending an academy there is no automatic parental right of access to educational records in our setting. However, we would consider any parental request for such access and decide whether it is appropriate to grant the request on a case by case basis.

If you require access to the above, please apply in writing, citing your reasons to the Headteacher.

Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Headteacher.

Complaints

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Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at https://ico.org.uk/concerns/
- Call 0303 123 1113

- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our Headteacher in the first instance.

- Mr D Smith at headteacher@st-johns-maidstone.kent.sch.uk

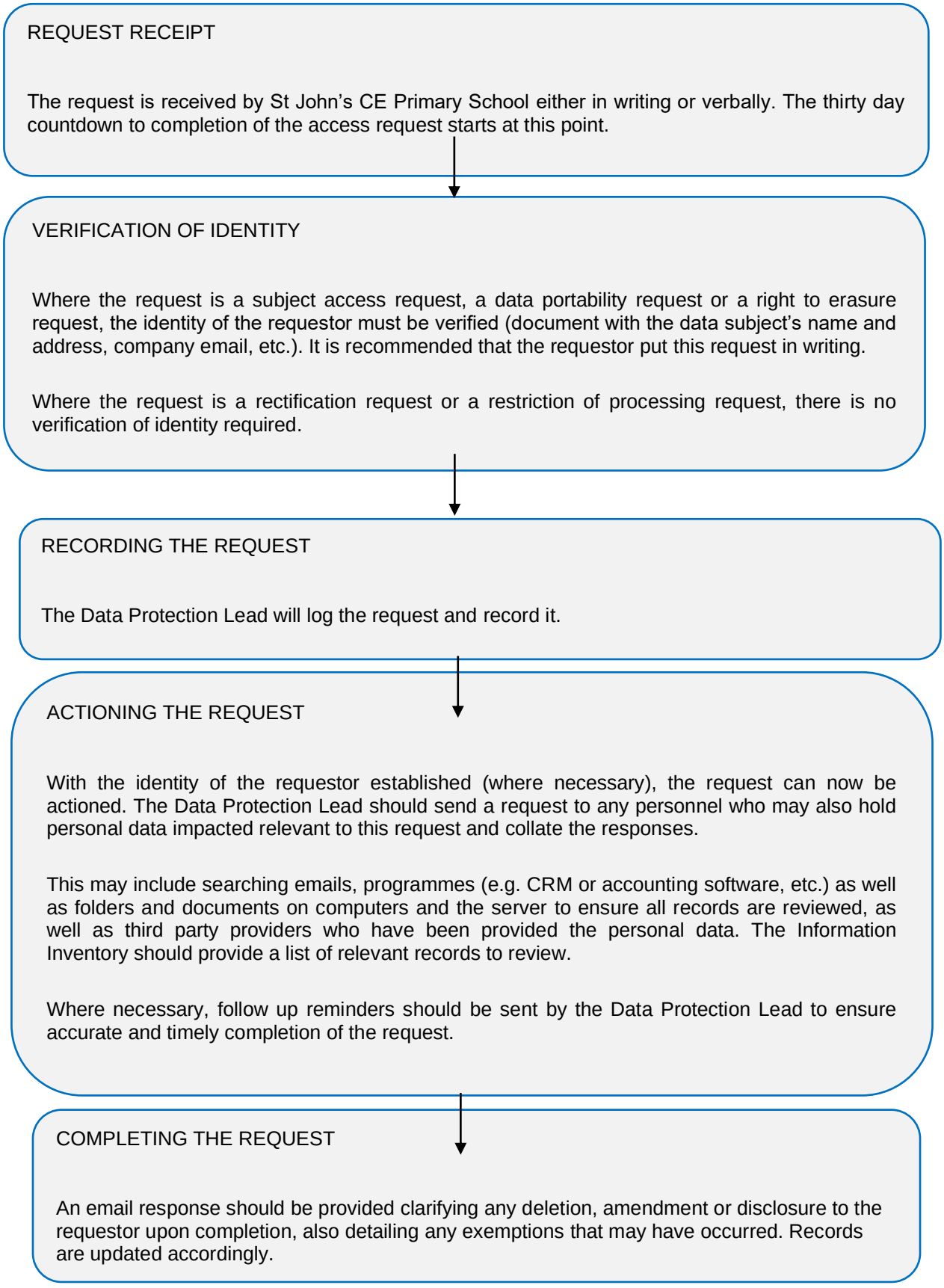
Or alternatively, contact our Data Protection Officer

- sps-dpo-services@isystemsintegration.com
- Correspondence address – SPS SPO Services, iSystems Integration, Devonshire House, 29-31 Elmfield Road, Bromley, Kent BR1 1LT

This notice is based on the Department for Education's model privacy notice for the school workforce, amended to reflect the why we use data in this school.

Appendix 3: Subject Access Requests (SARs)

All access requests follow the same format in terms of process:



1. The Right of Access

We have ensured that appropriate measures have been taken to provide information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 (collectively, The Rights of Data Subjects), relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language. Such information is provided free of charge and is in writing, or by other means where authorised by the data subject and with prior verification as to the subject's identity (i.e. verbally, electronic).

Information is provided to the data subject at the earliest convenience, but at a maximum of 30 days from the date the request was received. Where the retrieval or provision of information is particularly complex or is subject to a valid delay, the period may be extended by two further months where necessary. However, this is only done in exceptional circumstances and the data subject is kept informed in wiring throughout the retrieval process of any delays or reasons for delay.

Where we do not comply with a request for data provision, the data subject is informed within 30 days of the reason(s) for the refusal and of their right to lodge a complaint with the Supervisory Authority.

2. Subject Access Request

Where a data subject asks us to confirm whether we hold and process personal data concerning him or her and requests access to such data; we provide them with:

- The purposes of the processing;
- The categories of personal data concerned;
- The recipients or categories of recipient to whom the personal data have been or will be disclosed;
- If the data has or will be disclosed to a third countries or international organisations and the appropriate safeguards pursuant to the transfer;
- Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- The existence of the right to request rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing;
- The right to lodge a complaint with a Supervisory Authority;
- Where personal data has not been collected by St John's CE Primary School from the data subject, any available information as to the source and provider;
- The existence of automated decision-making, including profiling and meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.

Subject Access Requests (SAR) are passed to the Data Protection Lead as soon as received and a record of the request is noted. Given that personal data is to be disclosed, a verification of identity (document with the data subject's name and address, email, etc.) should be completed. If the requestor is entitled to the personal data, the request can be processed. The type of personal data held about the individual is checked against our Information Inventory to see what format it is held in, who else has it has been shared with and any specific timeframes for access.

SARs are always completed within 30-days and are provided free of charge. Where the individual makes the request by electronic means, we provide the information in a commonly used electronic format, unless an alternative format is requested.

3. Data Portability

St John's CE Primary School provides all personal information pertaining to the data subject, to them on request and in a format that is easy to disclose and read. We ensure that we comply with the data portability rights of individuals by ensuring that all personal data is readily available and is in a structured, commonly used and machine-readable format, enabling data subjects to obtain and reuse their personal data for their own purposes across different services.

Where requested by a data subject for whom we hold consent to process and share their personal information and when processing is carried out by automated means, we will transmit the personal data directly from ourselves to a designated controller, where technically feasible. To ensure that we can comply with Article 20 of the GDPR concerning data portability, we keep a machine-readable version of all personal information and utilise the below formats for compliance: -

- .DOC;
- .XLS;
- PDF;
- JPG/image;
- Unicode (outlook email).

All requests for information to be provided to the data subject or a designated controller are done so free of charge and within 30 days of the request being received. If for any reason, we do not act in responding to a request, we provide a full, written explanation within 30 days to the data subject or the reasons for refusal and of their right to complain to the supervisory authority and to a judicial remedy.

4. Rectification and Erasure

Correcting Inaccurate or Incomplete Data

Pursuant to Article 5(d), all data held and processed by St John's CE Primary School is reviewed and verified as being accurate wherever possible and is always kept up to date. Where inconsistencies are identified and/or where the data subject or controller inform us that the data we hold is inaccurate, we take every reasonable step to ensure that such inaccuracies are corrected with immediate effect.

Where notified of inaccurate data by the data subject, we will rectify the error within 30 days and inform any third party of the rectification if we have disclosed the personal data in question to them. The data subject is informed in writing of the correction and where applicable, is provided with the details of any third-party to whom the data has been disclosed.

Where we are notified of incomplete data, we complete the information as directed by the data subject, including adding an addendum or supplementary statement where applicable. If for any reason, we are unable to act in response to a request for rectification and/or completion, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy.

The Right to Erasure

Also, known as 'The Right to be Forgotten', complies fully with Article 5(e) and ensures that personal data which identifies a data subject, is not kept longer than is necessary for the purposes for which the personal data is processed. All personal data obtained and processed by St John's CE Primary School is categorised when assessed by the information audit and is either given an erasure date or is monitored so that it can be destroyed when no longer necessary.

These measures enable us to comply with a data subject's right to erasure, whereby an individual can request the deletion or removal of personal data where there is no compelling reason for its continued processing. Whilst our standard procedures already remove data that is no longer necessary, we still follow a dedicated process for erasure requests to ensure that all rights are complied with and that no data has been retained for longer than is needed. Where we receive a request to erase and/or remove personal information from a data subject, the below process is followed:

The request is allocated to the Data Protection Lead once the identity has been confirmed and recorded.

The Data Protection Lead locates all personal information relating to the data subject and reviews it to see if it is still being processed and is still necessary for the legal basis and purpose it was originally intended.

The request is reviewed to ensure it complies with one or more of the grounds for erasure:

a) The personal data is no longer necessary in relation to the purposes for which it was collected or otherwise processed;
b) The data subject has withdrawn consent on which the processing is based and where there is no other legal ground for the processing;
c) The data subject objects to the processing and there are no overriding legitimate grounds for the processing;
d) The personal data has been unlawfully processed;
e) The personal data must be erased for compliance with a legal obligation;
f) The personal data has been collected in relation to the offer of information society services to a child.

If the erasure request complies with one of the above grounds, it is erased within thirty days of the request being received.

The Data Protection Lead writes to the data subject and notifies them in writing that the right to erasure has been granted and provides details of the information erased and the date of erasure.

Where St John's CE Primary School has made any of the personal data public and erasure is granted, we will take every reasonable step and measure to remove public references, links and copies of data and to contact related controllers and/or processors and inform them of the data subjects request to erase such personal data.

If for any reason, we are unable to act in response to a request for erasure, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy. Such refusals to erase data include:

- Exercising the right of freedom of expression and information;
- Compliance with a legal obligation for the performance of a task carried out in the public interest
- For reasons of public interest in the area of public health;
- For archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, in so far as the right to erasure is likely to render impossible or seriously impair the achievement of the objectives of that processing;
- For the establishment, exercise or defence of legal claims.

5. The Right to Restrict Processing

There are certain circumstances where St John's CE Primary School restricts the processing of personal information, to validate, verify or comply with a legal requirement of a data subject's request. Restricted data is removed from the normal flow of information and is recorded as being restricted on the information audit. Any account and/or system related to the data subject of restricted data is updated to notify users of the restriction category and reason. When data is restricted it is only stored and not processed in any way.

St John's CE Primary School will apply restrictions to data processing in the following circumstances:

- Where an individual contests the accuracy of the personal data and we are in the process verifying the accuracy of the personal data and/or making corrections;
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and we are considering whether we have legitimate grounds to override those of the individual;
- When processing is deemed to have been unlawful, but the data subject requests restriction as oppose to erasure;
- Where we no longer need the personal data, but the data subject requires the data to establish, exercise or defend a legal claim.

The Data Protection Lead reviews and authorises all restriction requests and actions and retains copies of notifications from and to data subjects and relevant third-parties. Where data is restricted, and we have disclosed such data to a third-party, we will inform the third-party of the restriction in place and the reason and re-inform them if any such restriction is lifted.

Data subjects who have requested restriction of data are informed within 30 days of the restriction application and are also advised of any third-party to whom the data has been disclosed. We also provide in writing to the data subject, any decision to lift a restriction on processing. If for any reason, we are unable to act in response to a request for restriction, we always provide a written explanation to the individual and inform them of their right to complain to the Supervisory Authority and to a judicial remedy.

6. Objections and Automated Decision Making

Data subjects are informed of their right to object to processing in our Privacy Notices and at the point of first communication, in a clear and legible form and separate from other information. We provide opt-out options on all direct marketing material and provide an online objection form where processing is carried out online. Individuals have the right to object to:

- Processing of their personal information based on legitimate interests or the performance of a task in the public interest/exercise of official authority (including profiling);
- Direct marketing (including profiling)
- Processing for purposes of scientific/historical research and statistics.

Where St John's CE Primary School processes personal data for the performance of a legal task, in relation to our legitimate interests or for research purposes, a data subjects' objection will only be considered where it is on 'grounds relating to their particular situation'. We reserve the right to continue processing such personal data where:

- We can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual;
- The processing is for the establishment, exercise or defence of legal claims.

Where we are processing personal information for direct marketing purposes under a previously obtained consent, we will stop processing such personal data immediately where an objection is received from the data subject. This measure is absolute, free of charge and is always adhered to.

Where a data subject objects to data processing on valid grounds, St John's CE Primary School will cease the processing for that purpose and advise the data subject of cessation in writing within 30 days of the objection being received.

We have carried out a system audit to identify automated decision-making processes that do not involve human intervention. We also assess new systems and technologies for this same component prior to implementation. St John's CE Primary School understands that decisions absent of human interactions can be biased towards individuals and pursuant to Articles 9 and 22 of the GDPR, we aim to put measures into place to safeguard individuals where appropriate. Via our Privacy Notices, in our first communications with an individual and on our website, we advise individuals of their rights not to be subject to a decision when:

- It is based on automated processing;
- It produces a legal effect or a similarly significant effect on the individual.

In no circumstances do *St* John's CE Primary School use automated decision-making processes.

Appendix 4: Subject Access Requests (SARs) Checklist

Question	Yes / No / N/A
If the request is made by phone ask the person to put it in writing. Never give out personal information over the phone. You need to verify the person's identity. An email or letter is sufficient for a request.	
Does the organisation have a Data Protection Lead to which the request should be forwarded to?	
Does the organisation have a specific policy or procedure for dealing with data/subject access requests? This may be dealt with under the organisation's data protection policy.	
Is there any basis on which you can refuse a subject access request? Under the General Data Protection Regulation (GDPR) there are some grounds for refusing to grant an access request such as where it is manifestly unfounded or excessive. To be able to rely on these an organisation must have clear refusal policies and procedures in place and be able to show how this request meet those refusal criteria. This is likely to be a very high bar.	
If you receive a request and you are not satisfied as to the person's identity, you can request evidence of identity from the requestor. This should be done where it is deemed necessary and there is a risk of disclosing personal data to a third party	
Under GDPR you can no longer charge an individual for processing their data access request (unless you can demonstrate the cost will be excessive – this is likely to be a very high bar and even then it must be a 'reasonable fee'). Make sure a fee/charge is not referenced in the correspondence with the data subject as it may still be referenced in old templates and policies.	
You must respond without undue delay and the access request must be concluded within 30 days. Extensions to 60 days can occur where the requests are complex or numerous but this must be fully explained within the 30 day deadline. Have you diary managed a reminder as to when the 30 day time limit expires in which to comply with the request?	
If the request is extremely broad do you need to seek clarification from the individual on the exact scope of data they require? Seeking this clarification may reduce the administrative time spent searching for data.	
Once you are clear on the scope of the request you should decide what systems and files should be searched for the relevant personal data – you should keep a note of the efforts made by the organisation in searching for data in case there is a complaint made by the individual to the Information Commissioner's Office.	
Once you have gathered all the data that you think is relevant the next step is to decide if all of the data needs to be disclosed or whether an exemption applies. Under the current data protection legislation, the exemptions are extremely narrow and only apply in very limited circumstances. The following exemptions may be available: a) An opinion given in confidence (this would not apply to manager comments	

on a staff member); b) Third party data within the data (this data should just be redacted and the rest supplied); c) Multiple requests from the same person (the organisation can wait a reasonable interval before having to respond to the exact same data access request); d) Data relating to the investigation of a criminal offence (where it would prejudice the investigation); e) Where legal professional privilege applies to the data (e.g. communications between the organisation and its legal advisors for the purposes of obtaining legal advice); f) Certain health data (where its disclosure is likely to cause serious mental or physical harm to the person); g) A disproportionate effort would be involved (this is an extremely high threshold to reach) Under GDPR these exemptions may change and the Irish government is likely to implement local legislation. It is likely that this will include legal advice and litigation privilege along with expressions of opinion given in confidence. Under GDPR these exemptions may change and the Irish government is likely to implement local legislation. It is likely that this will include legal advice and litigation privilege along with expressions of opinion given in confidence.	
A copy of the data should be forwarded to the requestor – you should send this by registered post or email with a delivery receipt so you can prove it was sent. Generally under GDPR it should be provided by soft copy where requested by soft copy or at least in a 'commonly used file format'.	
A cover letter should be sent with the data setting out the following: a) The categories of their personal data being processed by the organisation (e.g. salary); b) The purposes for which the processing happens (e.g. payroll); c) To whom the data may be disclosed (e.g. payroll provider, Revenue Commissioner); d) Details of the source of the data (e.g. pay slips, contract of employment); e) How long the data is retained for by the organisation; f) The right to have inaccurate data corrected; g) The right to make a complaint to the Data Protection Commissioner; h) If automated decision making applies, you need to give meaningful information about how these decisions are made.	
If the organisation is refusing to comply with the data access request then you must send the person a letter or email setting out why and advising them they may complain	

to the Information Commissioner's Office.	
Keep a record of all efforts made, the data provided and any correspondence in case the Information Commissioner's Office does need to investigate.	

Checklist completed by:_____

Date:_____

Comments: