

AYLSHAM LEARNING FEDERATION

DATA PROTECTION POLICY

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Signed:

Chair

Contents

1. Aims	2
2. Legislation and guidance	2
3. Definitions.....	2
4. The data controller.....	4
5. Roles and responsibilities	4
6. Data protection principles	5
7. Collecting personal data	5
8. Sharing personal data.....	6
9. Subject access requests and other rights of individuals	7
10. Parental requests to see the educational record	9
11. Biometric recognition systems (Aylsham High School).....	9
12. CCTV.....	10
13. Photographs and videos	10
14. Data protection by design and default.....	10
15. Data security and storage of records.....	11
16. Disposal of records	11
17. Personal data breaches	12
18. Training.....	12
19. Monitoring arrangements	12
20. Links with other policies	12
Appendix 1: Personal data breach procedure.....	13

1. Aims

Aylsham Learning Federation aims to ensure that all personal data collected about staff, students/pupils/children, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulations (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

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 expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• 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.

<p>Special categories of personal data</p>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • 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
<p>Processing</p>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<p>Data subject</p>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<p>Data controller</p>	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>
<p>Data processor</p>	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
<p>Personal data breach</p>	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.</p>

4. The data controller

The Federation processes personal data relating to parents, students/pupils/children, staff, governors, visitors and others, and therefore is a data controller.

Each school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by the Federation, 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 Board

The Governing Board has overall responsibility for ensuring that the Federation 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 Federation data protection issues.

The DPO is also one of the first points 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.

The Federation DPO is Fiona Tibbitt and she is contactable via:
office@st-michaelsaylsham.norfolk.sch.uk.

5.3 Director of Business and Community Strategy

The Director of Business and Community Strategy, Joanna Tuttle, acts as the representative of the Data Controller on a day-to-day basis.

Contact details are jtuttle@aylshamhigh.norfolk.sch.uk.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy.
- Informing the Federation of any changes to their personal data, such as a change of address.
- Contacting the DPO or Director of Business and Community Strategy 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 the Federation 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 Federation aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

The Federation only processes personal data where it has one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Federation can **fulfil a contract** with the individual, or the individual has asked the Federation to take specific steps before entering into a contract;
- The data needs to be processed so that the Federation can **comply with a legal obligation**;
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life;
- The data needs to be processed so that the Federation, as a public authority, can perform a task **in the public interest**, and carry out its official functions;
- The data needs to be processed for the **legitimate interests** of the Federation 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 student/pupil/child) has freely given clear **consent**.

For special categories of personal data, the Federation will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

John Bear's Nursery/John of Gaunt Infant and Nursery School/Bure Valley School

If the above offer online services to pupils/children, such as classroom apps, and they intend to rely on consent as a basis for processing, they will get parental consent (except for online counselling and preventive services).

Aylsham High School

If the above offer online services to students, such as classroom apps, and they intend to rely on consent as a basis for processing, they will get parental consent where the student is under 13 (except for online counselling and preventive services).

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

7.2 Limitation, minimisation and accuracy

The Federation will only collect personal data for specified, explicit and legitimate reasons. It will explain these reasons to the individuals when it first collects their data.

If the Federation wants to use personal data for reasons other than those given when it first obtained it, it will inform the individuals concerned before it does so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

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 Information and Records Management Society's toolkit for schools.

7.3 COVID-19 Track and trace data collection

Government guidance published in August 2020 <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace> details the collection of data in order to support NHS Test and Trace.

In accordance with this guidance, schools within the Aylsham Learning Federation are using a track and trace form to record details of visitors to the schools. Visitors are asked to record their full name, contact telephone number, date and time of their visit and the names of the staff or student/pupil/child they are visiting. These forms will be kept in a secure location for the duration of 21 days, then will be destroyed.

As stated in the government guidance 'GDPR allows you to request contact information from your staff, customers and visitors and share it with NHS Test and Trace to help minimise the transmission of COVID-19 and support public health and safety.'

8. Sharing personal data

The Federation will not normally share personal data with anyone else, but may do so where:

- There is an issue with a student/pupil/child or parent/carer that puts the safety of our staff at risk;
- It needs to liaise with other agencies – it will seek consent as necessary before doing this;
- Suppliers or contractors need data to enable them to provide services to staff and students/pupils – for example, IT companies. When doing this, the Federation will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law;
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, 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, and information necessary to keep them safe while working with us.

The Federation will also share personal data with law enforcement and government bodies where it is legally required to do so, including for:

- The prevention or detection of crime and/or fraud;
- The apprehension or prosecution of offenders;
- The assessment or collection of tax owed to HMRC;
- In connection with legal proceedings;
- Where the disclosure is required to satisfy our safeguarding obligations;
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided.

The Federation may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of its pupils/students or staff.

Where the Federation transfers personal data to a country or territory outside the European Economic Area, it 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 Federation 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 is not possible, the criteria used to determine this period;
- 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.

Subject access requests should include:

- Name of individual;
- Correspondence address;
- Contact number and email address;
- Details of the information requested.

If staff receive a subject access request they must immediately forward it to the Director of Business and Community Strategy or 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.

John Bear's Nursery/John of Gaunt Infant and Nursery School/Bure Valley School

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/children at the above schools may be granted without the express permission of the pupil/child. This is not a rule and a pupil's/child's ability to understand their rights will always be judged on a case-by-case basis.

Aylsham High School

Children aged 12 and above are generally 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 students at the above school may not be granted without the express permission of the student. This is not a rule and a student'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, the Federation:

- 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;
- Will provide the information free of charge;
- May tell the individual it will comply within 3 months of receipt of the request, where a request is complex or numerous. It will inform the individual of this within 1 month, and explain why the extension is necessary.

The Federation will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil/student or another individual;
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests;
- Is contained in adoption or parental order records;
- Is given to a court in proceedings concerning the child.

If the request is unfounded or excessive, it may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When it refuses a request, it will tell the individual why, and tell them they have the right to complain to the ICO.

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 the Federation is collecting their data about how it uses and processes it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time;
- Ask the Federation to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances);
- Prevent use of their personal data for direct marketing;
- Challenge processing which has been justified on the basis of public interest;
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area;

- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them);
- Prevent processing that is likely to cause damage or distress;
- 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 Director of Business and Community Strategy or DPO. If staff receive such a request, they must immediately forward it to the Director of Business and Community Strategy or DPO.

10. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a student/pupil/child) within 15 school days of receipt of a written request.

11. Biometric recognition systems (Aylsham High School)

Where the Federation uses student's biometric data as part of an automated biometric recognition system (for example, students use finger prints to receive school dinners instead of paying with cash), it will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The Federation will get written consent from at least one parent or carer before it takes any biometric data from their child and first process it.

Parents/carers and students have the right to choose not to use the Federation's biometric system. It will provide alternative means of accessing the relevant services for those students. For example, students can use an individualized payment card at each transaction if they wish.

Parents/carers and students can object to participation in the Federations biometric recognition system, or withdraw consent, at any time, and it will make sure that any relevant data already captured is deleted.

As required by law, if a student refuses to participate in, or continue to participate in, the processing of their biometric data, the Federation will not process that data irrespective of any consent given by the student's parent(s)/carer(s).

Where staff members or other adults use the Federation's biometric system, it will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the Federation will delete any relevant data already captured.

12. CCTV

The Federation uses CCTV in various locations around the Federation sites to ensure they remain safe. It will adhere to the ICO's code of practice for the use of CCTV.

The Federation does not need to ask individuals' permission to use CCTV, but it makes it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to Stephen Crisp, Premises Manager.

13. Photographs and videos

As part of the Federation activities, it may take photographs and record images of individuals within the Federation.

The Federation will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. They will clearly explain how the photograph and/or video will be used to both the parent/carer and student/pupil/child (where relevant).

Where we do not need parental consent, we will clearly explain to the student/pupil/child (where relevant) how the photograph and/or video will be used.

Uses may include:

- Within the Federation on notice boards and in each school's/setting's magazines, brochures, newsletters, etc.;
- Outside of each school/setting by external agencies such as the school photographer, newspapers, campaigns;
- Online on each school/s/setting's website or social media pages.

Consent can be refused or withdrawn at any time. If consent is withdrawn, the Federation 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.

14. Data protection by design and default

The Federation will put measures in place to show that it has integrated data protection into all its 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 privacy impact assessments where the Federation'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;
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant;
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of the Federation Data Controller representative and DPO and all information the Federation is required to share about how it uses and processes their personal data (via privacy notices);
 - For all personal data that the Federation holds, maintaining an internal record of the type of data, data subject, how and why it uses the data, any third-party recipients, how and why it is storing the data, retention periods and how it is keeping the data secure.

15. Data security and storage of records

The Federation 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 secure when not in use;
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access;
- Where personal information needs to be taken off site, staff must take full responsibility for this data at all times and take all reasonable precautions to keep it safe;
- Passwords are used to access school computers, laptops and other electronic devices. Staff and students/pupils/children (where relevant) are reminded to change their passwords at regular intervals;
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices;
- Staff, students/pupils/children (where relevant) or governors who store personal information on their personal devices are expected to follow the same security procedures as for Federation-owned equipment;
- Where the Federation needs to share personal data with a third party, it carries out due diligence and takes reasonable steps to ensure it is stored securely and adequately protected (see section 8).

16. 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 the Federation cannot or do not need to rectify or update it.

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

17. Personal data breaches

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

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

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

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

18. 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 Federation's processes make it necessary.

19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

20. Links with other policies

This data protection policy is linked to the:

- Online Safety Policy
- ICT Code of Conduct (students/pupils) Policy
- Safeguarding Including Child Protection Policy
- ICT Code of Conduct (Staff/Governors/Visitors) Policy

Appendix 1: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Director of Business and Community Strategy and 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.
- The DPO will alert the Executive Headteacher and Head of School/Nursery Manager where relevant if the breach is reportable to the ICO.
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out 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.
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned

If it is likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (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 on a log on the Federation's computer system maintained by the DPO.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. 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. 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.

- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - 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 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 on a log stored on the Federation's computer system.
- The DPO and Executive 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.

Actions to minimise the impact of data breaches

The Federation will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. The Federation will review the effectiveness of these actions and amend them as necessary after any data breach.

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, the Director of Business and Community Strategy 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 to recall it;
- In any cases where the recall is unsuccessful, the DPO will 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 ensure the Federation receives 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, the Federation will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted.

Other types of breach that would follow the same principals include:

- Details of pupil premium interventions for named children being published on each school's/setting's website.

- Non-anonymised student/pupil exam results or staff pay information being shared with governors.
- A Federation laptop containing non-encrypted sensitive personal data being stolen or hacked.

September 2020 – 7.3 section added to reflect COVID-19 guidance.