

# **General Data Protection Regulations Policy**

Issued: May 2018  
Next review due: Summer 2020

## General Data Protection Regulation (GDPR) Policy

### **1.0 Aims**

- 1.1 The Birmingham Diocesan Academies Trust (BDMAT) aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR). This policy applies to all data, regardless of whether it is in paper or electronic format.

### **2.0 Legislation and guidance**

- 2.1 This policy meets the requirement of the Data Protection Act 1998 and is based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department of Education.
- 2.2 It also takes into account the expected provisions of the General Data Protection Regulations, which is new legislation due to come into force on 25 May 2018.
- 2.3 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.
- 2.4 This policy complies with our funding agreement and articles of association.

### **3.0 Chief Privacy Officer**

- 4.1 BDMAT processes personal information relating to the pupils, staff and visitors, and therefore, is a data controller. The Board of Directors delegate the responsibility of data controller to the Finance Director.
- 4.2 BDMAT is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

### **4.0 Data protection principles**

- 5.1 The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:
- data shall be processed fairly and lawfully;
  - personal data shall be obtained only for one or more specified and lawful purposes;
  - personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed;

- personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
- appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data;
- personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data.

## **5.0 Roles and responsibilities**

- 6.1 The BDMAT Board has overall responsibility for ensuring that BDMAT complies with its obligations under the Data Protection Act 1998.
- 6.2 Day-to-day responsibilities rest with the Headteacher and the Local Academy Board (LAB).
- 6.2 The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.
- 6.3 Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **6.0 Privacy/fair processing notice**

### **6.1 Pupil and parents**

- 6.11 We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education.
- 6.12 This data includes, but is not restricted to:
- contact details;
  - results of internal assessment and externally set tests;
  - data on pupil characteristics, such as ethnic group or special educational needs;
  - exclusion information;
  - details of any medical conditions.

- 6.13 We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.
- 6.14 We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.
- 6.15 We are required, by law, to pass certain information about pupils to specified external bodies, such as local authorities and the Department of Education, so that they are able to meet their statutory obligations.

## **6.2 Staff**

- 6.21 We process data relating to those we employ to work at, or otherwise engage to work at, our schools. The purpose of processing this data is to assist in the school, including to:
- enable individuals to be paid;
  - facilitate safe recruitment;
  - support the effective performance management of staff;
  - improve the management of workforce data across the sector;
  - inform our recruitment and retention policies;
  - allow better financial modelling and planning;
  - enable ethnicity and disability monitoring.
- 6.22 Staff personal data includes, but is not limited to, information such as:
- contact details;
  - National Insurance numbers;
  - salary information;
  - qualifications;
  - absence data;
  - personal characteristics, including ethnic groups;
  - medical information;
  - outcomes of any disciplinary procedures.
- 6.23 We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.
- 6.24 We will not share information about staff with third parties without consent unless the law allows us to.

- 6.25 We are required, by law, to pass certain information about staff to specified external bodies, such as local authorities and the Department of Education, so that they are able to meet their statutory obligations.
- 6.26 Any staff members wishing to see a copy of information about them that BDMAT holds should contact the relevant establishment lead or Headteacher/Finance Director.

## **7.0 Subject access requests**

- 7.1 Under the General Data Protection Act 2018, pupils have a right to request access to information the school holds about them. This is known as a subject access request.
- 7.2 Subject access requests must be submitted in writing, either by letter, email or fax. Requests should include:
- the pupil's name;
  - a correspondence address;
  - a contact number and email address;
  - details about the information requested.
- 7.3 The school will not reveal the following information in response to subject access requests:
- information that might cause serious harm to the physical or mental health of the pupil or another individual;
  - information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interest;
  - information contained in adoption and parental order records;
  - certain information given to a court in proceeding concerning the child.
- 7.4 Subject access request for all or part of the pupil's educational record will be provided within 31 days.

## **8.0 Parental requests to see the education record**

- 8.1 Parents have the right of access to their child's educational record, free of charge, within 15 school days of a request.
- 8.2 Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

- 8.3 For a parent to make a subject access request, the child must either be unable to understand their rights and implications of a subject access request or have given their consent.
- 8.4 The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at schools within BDMAT may be granted without the express permission of the pupil.
- 8.5 Parents of pupils at schools within BDMAT do not have an automatic right to access their child's educational record. The school will decide on a case-by-case basis whether to grant such request, and we will bear in mind guidance issued from time to time from the Information Commissioner's Officer (the organisation that upholds information rights).

## **9.0 Storage of records**

- Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are kept under lock and key when not in use.
- Papers containing confidential personal information should not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access, unless there is a clear medical reason and that there is explicit written consent i.e. allergy advice in school kitchens.
- Where personal information needs to be taken off site (in paper or electronic form), staff must sign it in and out from the school office.
- The Headteacher may authorise staff to use school laptops off site.
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices.
- Staff and pupils are reminded to change their password at regular intervals.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures for school-owned equipment.

## **10.0 Disposal of records**

- 10.1 Personal information that is no longer needed or has become inaccurate, or out of date, is disposed of securely.
- 10.2 For example, we will shred or incinerate paper-based records and override electronic files. We may also use an outside company to safely dispose of electronic records.

### **11.0 Training**

- 11.1 Our staff and governors including Directors will be provided with data protection training as part of their induction process.
- 11.2 Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.

### **12.0 Monitoring arrangement**

- 12.1 The Finance Director is responsible for monitoring and reviewing this policy.
- 12.2 The Headteacher alongside the Local Academy Board checks that the school complies with this policy by, among other things, reviewing school records termly.
- 12.3 This document will be reviewed every 2 years.