



## Joy Lane Foundation Primary School

### Data Protection Policy

Draft Prepared	June 2020
Date Agreed	23 <sup>rd</sup> Sept 2020
Signed by Executive Headteacher	Debra Hines
Signed by Chair of Governors	Chris Graves
Date Policy to be Reviewed:	Sept 2021

## **1. Statement of purpose**

The purpose of this policy is to ensure that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

Joy Lane Foundation Primary School will comply fully with all data protection legislation, including the General Data Protection Regulation (GDPR). All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

## **2. Fair obtaining and processing**

Joy Lane Foundation Primary School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subject's right of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

"Processing" means obtaining, recording or holding the information or data or carrying out any or set of operations on the information or data.

A "Data controller" determines the purposes and means of processing personal data.

A "Data processor" is responsible for processing personal data on behalf of a controller.

"Data subject" means an individual who is the subject of personal data or the person to whom the information relates.

"Personal data" means data, which relates to a living individual who can be directly or indirectly identified. Addresses and telephone numbers are particularly vulnerable to abuse, along with names and photographs if published in the press, Internet or media. "Personal data" applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. This could include chronologically ordered sets of manual records containing personal data. Personal data that has been pseudonymised – eg key-coded – can be included depending on how difficult it is to attribute the pseudonym to a particular individual.

“Parent” has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.

“Legal disclosure” is the release of personal information from the computer to someone who requires the information to do his or her job within or for the Academy, provided that the purpose of that information has been registered.

“Illegal disclosure” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the Academy’s registered purposes.

### **3. Registration**

Joy Lane Foundation Primary School is registered with the Information Commissioners Office ( <https://ico.org.uk/> ). Please see Appendix 1 for the school’s certificate of registration. General information about the Data Protection Act can be obtained from the Data Protection Commissioner (Information Line 08456 306060 or 01625 545 745 or website: [www.ico.gov.uk](http://www.ico.gov.uk) ).

### **4. Data protection principles (Article 5 of the GDPR)**

#### 4.1 Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject (‘lawfulness, fairness and transparency’);

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes (‘purpose limitation’);

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’);

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay (‘accuracy’);

4.5.2016 EN Official Journal of the European Union L 119/35 ( 1 ) Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015

laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p.1).

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

4.2 The controller shall be responsible for and be able to demonstrate compliance with the General Data Protection Regulation.

## **5. Lawful basis for processing**

The valid lawful bases for the processing of personal data by the school are:

- Consent of the data subject
- Processing is necessary for the performance of a contract
- Process is necessary for compliance with a legal obligation
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller

## 6. Individual's Rights

Rights	Brief description
The right to be informed	This encompasses the obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how you use personal data.
The right of access	Individuals have the right to obtain confirmation that their data is being processed, access to their personal data, and the other information described in the privacy notice.
The right to rectification	Individuals have the right to have personal data rectified if it is inaccurate or incomplete.
The right of erasure	This enables individuals to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
The right to restrict processing	Individuals have the right to 'block' or suppress processing of personal data. When processing is restricted you can store data but not further process it.
The right to data portability	This allows individuals to obtain and reuse their personal data for their own purposes across different services.
The right to object	Individuals have the right to object to: processing based on legitimate interests or the performance of a task carried out in the public interest or in the exercise of official authority; direct marketing (including profiling); processing for purposes of scientific/historical research and statistics. Individuals must have an objection on 'grounds relating to his or her particular situation'.
Rights in relation to automated decision making and profiling	The GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken without human intervention.

## 7. Data Protection Officer

Joy Lane Foundation Primary School has a Data Protection Officer (DPO).  
The school's DPO is Schools Personnel Services and can be contacted as follow:

Name: Data Protection Officer  
Email: [info@satswana.com](mailto:info@satswana.com)  
Correspondence address: Data Protection Officer  
Pembroke House  
St Christopher's Place  
Farnborough,  
Hampshire. GU14 0NH

The main duties of the DPO are:

- To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
- To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
- To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).

## 8. Documentation

We will document the following information (Please see Appendix \*):

- The name and contact details of your organisation (and where applicable, of other controllers, your representative and your data protection officer).
- The purposes of your processing.
- A description of the categories of individuals and categories of personal data.
- The categories of recipients of personal data.
- Details of your transfers to third countries including documenting the transfer mechanism safeguards in place.
- Retention schedules.
- A description of your technical and organisational security measures.

## 9. Privacy Notices

\* Please see **Appendix 1** for our Privacy notice for Pupils, **Appendix 2** for our Privacy Notice for Parents / Carer, and **Appendix 3** for our Privacy notice for School workforce.

## 10. Impact Assessments

Data protection impact assessments (also known as Privacy Impact Assessments or PIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet individuals' expectations of privacy. An effective DPIA will allow organisations to identify and fix problems at an early stage, reducing the associated costs and damage to reputation, which might otherwise occur.

A DPIA will include:

- A description of the processing operations and the purposes, including, where applicable, the legitimate interests pursued by the controller.
- An assessment of the necessity and proportionality of the processing in relation to the purpose.
- An assessment of the risks to individuals.
- The measures in place to address risk, including security and to demonstrate that you comply.

# Appendix 1

## Privacy Notice - How we use pupil information

### Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to support you to decide what to do after you leave the school

### Categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility, pupil premium, looked after)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- National curriculum assessment results
- Relevant medical information (such as medical condition, medication, dietary requirements, emergency contact details, parent/carer authorisation)
- Special education needs information
- Pastoral records (such as, consent forms-Photographs/School trips, behavioural incidents, attendance record, accident reports)
- Admission record

- Safeguarding information (such as concerns logged, referrals made, disclosure, action taken)
- Academic information (such as formative assessment results, summative assessment results, exam results, in-Class aptitude data, parent reports, records of intervention provided)

## **Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

## **Storing pupil information**

Joy Lane Foundation Primary School keep information about you on computer systems and also on paper.

We hold your education records securely until you change school. Your records will then be transferred to your new school, where they will be retained until you reach the age of 25, after which they are safely destroyed.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

## **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)

## **Why we share pupil information**

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

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) [please visit: https://www.gov.uk/education/data-collection-and-censuses-for-schools](https://www.gov.uk/education/data-collection-and-censuses-for-schools).

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law to provide information about our pupils to the DfE as part of statutory data collections such as school census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, please visit: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

To find out more about the NPD, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested and
- the arrangements in place to store and handle the data

to be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements, retention, and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collectand-share-research-data>

For information about organisations the department has provided pupil information, (and for which project), please visit:

<https://www.gov.uk/government/publications/national-pupils-database-requests-received>

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact The School Business Manager and/or Data Protection Officer

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the data protection regulations.

If you have any concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the information Commissioner's Office at: <https://ico.org.uk/concerns/>

### **Contact:**

If you would like to get a copy of the information about you that KCC shares with the DfE or how they use your information, please contact:

Information Resilience & Transparency Team

Room 2.71, Sessions House, Maidstone, Kent, ME14 1XQ

mailto: [dataprotection@kent.gov.uk](mailto:dataprotection@kent.gov.uk)

You can also visit the KCC website if you need more information about how KCC use and store information, please visit: <http://www.kent.gov.uk/about-the-council/contact-us/access-to-information/your-personal-information>

to contact DfE, please visit: <https://www.gov.uk/contact-dfe>

If you would like to discuss anything in this privacy notice, please contact:

## The School Business Manager and /or Data Protection Officer

Name: SPS DPO Services  
Email: [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com)  
Correspondence address: SPS SPO Services  
ISystems Integration  
Devonshire House  
29-31 Emlsfield Road  
Bromley, Kent  
BR1 1LT

# **Appendix 2**

## **Privacy Notice**

### **How we use children in need and children looked after information**

#### **Categories of this information that we collect, process, hold and share include:**

- Personal information (such as name, date of birth and address)
- Special categories of data including characteristics information (such as gender, age, ethnic group)
- Characteristics (such as gender, ethnicity and disability)
- Information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child protection information and child Protection Plan information)
- Episodes of being looked after (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- Adoptions (such as dates of key court orders and decisions)
- Care leavers (such as their activity and what type of accommodation they have)

#### **Why we collect and use this information**

We use this data to:

- Support these children and monitor their progress
- Provide them with pastoral care
- Assess the quality of our services
- Evaluate and improve our policies on children's social care

## **The lawful basis on which we process this information**

We collect and process information about children in our care and children to whom we provide services under

- Article 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- Article 9(2)(b) processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security agreement pursuant to member state law providing for the appropriate safeguards for the fundamental rights and the interests of the data subject.

The Education Act 1996; this information can be found in the guide documents on the following website: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

### **Collecting this information**

Whilst the majority of children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

### **Storing this information**

Joy Lane Foundation Primary School keep information about children in need and children looked after on computer systems and also some on paper.

We hold your education records securely until you change school. Your records will then be transferred to your new school, where they will be retained until you reach the age of 25, after which they are safely destroyed.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

### **Who do we share this information with?**

We routinely share pupil information with:

- the Department for Education (DfE)

## Why we share this information

**Department for Education (DfE)**- We share children in need and children looked after data with the Department for Education (DfE) on a statutory basis under section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information about Individual Pupils) (England) Regulations 2013.

This data sharing help to develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practise.

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education please visit:

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law to provide information about our pupils to the DfE as part of statutory data collections such as school census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

The department may share information about our school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested and
- the arrangements in place to store and handle the data

To be granted access to school workforce information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements, retention, and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collectand-share-research-data>

For information about organisations the department has provided pupil information, (and for which project), please visit:

<https://www.gov.uk/government/publications/national-pupils-database-requests-received>

To contact the Department for Education, please visit: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, please contact:

The School Business Manager and/or Data Protection Officer

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations.

If you have any concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the information Commissioner's Office at: <https://ico.org.uk/concerns/>

### **Further Information**

if you would like to discuss anything in this privacy notice, please contact:

The School Business Manager and /or Data Protection Officer

Name: SPS DPO Services  
Email: [sps-dpo-services@systemsintegration.com](mailto:sps-dpo-services@systemsintegration.com)  
Correspondence address: SPS SPO Services  
ISystems Integration  
Devonshire House  
29-31 Emlsfield Road  
Bromley, Kent  
BR1 1LT

# **Appendix 3**

## **Privacy Notice**

### **How we use school workforce information**

#### **Categories of school workforce information that we collect, process, hold and share include:**

- Personal information (such as name, address, contact information, employee or teacher number, national insurance number)
- Special categories of data including characteristics information (such as gender, age, ethnic group)
- Contract information (such as start dates, hours worked, post, roles and payroll information, promotion information)
- Attendance information (such as number of absence and reasons)
- Qualifications
- Training information
- Medical information if applicable
- Performance management information (such as Appraisals, grievances)
- Disciplinary / capability procedures if applicable
- Vehicle registration if applicable
- Accident at work

#### **Why we collect and use this information**

We use school workforce data to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Inform the development of recruitment and retention policies
- Enable individuals to be paid

- Performance management
- Training records
- Monitor attendance

## **The lawful basis on which we process this information**

We process this information under

- Article 6(1)(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- Article 9(2)(b) processing is necessary for the purpose of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security agreement pursuant to member state law providing for the appropriate safeguards for the fundamental rights and the interests of the data subject.

The Education Act 1996; this information can be found in the guide documents on the following website: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

## **Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

## **Storing this information**

We hold school workforce data for the retention periods stated in the Information Management Toolkit for school.

There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it is the only way we can make sure you stay safe and healthy or we are legally required to do so.

## **Who do we share this information with?**

We routinely share pupil information with:

- our local authority
- the Department for Education (DfE)

- our Payroll and Personnel providers

## **Why we share school workforce information**

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

### **Local Authority**

We are required to share information about our workforce members with our local authority (LA) under section 5 of The Education (Supply of Information about the School workforce) (England) Regulations 2007 and amendments.

### **Department for Education (DfE)**

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to schools funding / expenditure and the assessment educational attainment. We are required to share information about our school employees with our local Authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School workforce) (England) Regulations 2007 and amendments.

### **Payroll and Personnel Providers**

We share personal information to inform contractual / personal changes, overtime and absence information.

### **Data collection requirements**

The DfE collects and processes personal data relating to those employed by schools and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupils Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, please visit: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>

The department may share information about our school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis

- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

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- the purpose for which it is required
- the level and sensitivity of data requested and
- the arrangements in place to store and handle the data

To be granted access to school workforce information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements, retention, and use of the data.

For more information about the department's data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collectand-share-research-data>

To contact the Department, please visit: <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, please contact:

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You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
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- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
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If you have any concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the information Commissioner's Office at: <https://ico.org.uk/concerns/>

### **Further Information**

If you would like to discuss anything in this privacy notice, please contact:

The School Business Manager and /or Data Protection Officer

Name: SPS DPO Services  
Email: [sps-dpo-services@isystemsintegration.com](mailto:sps-dpo-services@isystemsintegration.com)  
Correspondence address: SPS SPO Services  
ISystems Integration  
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