



Bankside Primary School **Data Protection Policy**

Introduction

This is a statement of personal data handling policy in compliance with the Data Protection Act 1998 and GDPR policies as adopted by the Head teacher and Governors of our school. All staff involved with the collection, processing and disclosure of personal data have been made aware of their duties and responsibilities within this document.

Our school needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, suppliers, pupils, parents, school staff, clients and customers and others with whom we communicate. In addition, we may be occasionally required by law to collect and use certain types of information of this kind to comply with the requirements of government departments and agencies, for example, the Department for Education and Skills and the Qualifications and Curriculum Authority.

This personal information must be dealt with properly however it is collected, recorded and used – whether on paper, in a computer or recorded on other material and there are safeguards to ensure this in the Data Protection Act 1998.

We recognise that the lawful and correct treatment of personal information by our school is very important to successful operations and to maintaining confidence between those with whom we deal and ourselves. We therefore ensure that our school treats personal information lawfully, transparently and correctly.

GDPR Principles

To demonstrate our commitment, we fully endorse and adhere to the Principles of data protection as set out in the Data Protection Act 1998 as well as the new GDPR.

Specifically, the principles require that personal information:

- a) is processed lawfully, fairly and in a transparent manner in relation to individuals.
- b) is 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 not be considered to be incompatible with the initial purposes;
- c) is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) is accurate and kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

e) is 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, in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR, in order to safeguard the rights and freedoms of individuals.

f) is 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.”

Also that:

h) Personal data shall not be transferred to a country or territory outside of the European Economic Area unless that country or territory is subject to a 'Community Finding' by the European Commission, which permits transfer.

Our Commitment

Our school will, through appropriate management and strict application of criteria and controls

- Ensure we have a valid lawful basis in order to process personal data. The Lawful basis can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/>
- We will determine the lawful basis before we begin processing, and we will document it. We will take care to get it right first time - we will not swap to a different lawful basis at a later date without good reason.
- Our privacy notice will include the lawful basis for processing as well as the purposes of the processing.
- If our purposes changes, we may be able to continue processing under the original lawful basis if our new purpose is compatible with your initial purpose (unless your original lawful basis was consent).
- When we are processing special category data we need to identify both a lawful basis for general processing and an additional condition for processing this type of data. Additional conditions can be found here: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/>
- If we are processing criminal conviction data or data about offences we need to identify both a lawful basis for general processing and an additional condition for processing this type of data.

Regarding the above; the school will:

- Observe fully conditions regarding the fair collection and use of information;
- Meet its legal obligations to specify the purpose for which information is used;
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements;
- Ensure the quality and accuracy of personal information used;
- Apply strict checks to determine the length of time information is held;
- Ensure that the rights of people about whom information is held can be fully exercised under the Act. These include: the right to be informed that processing is being undertaken; the right of access to one's personal information; the right to prevent processing in certain circumstances; the right to correct, rectify, block or erase information which is regarded as wrong;
- Take appropriate technical and organisational security measures to safeguard personal information;
- Ensure that personal information is not transferred abroad without suitable safeguards;
- Ensure that everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice;
- Ensure that everyone managing and handling personal information is appropriately trained to do so;
- Deal with queries about personal information promptly and courteously.

Disclosure of Personal Information

In general, school will only disclose personal information about individuals with their consent. However, there are circumstances under which personal information may be disclosed without consent. Some of these are listed below:

- In connection with any legal proceedings or for the purposes of the detection and prevention of crime;
- In connection with any statutory, legal duty or instruction from a Government Department to do so, such as in connection with Health and Safety legislation or the submission of the Pupil Level Annual School Census (PLASC) or Annual School Workforce Census (SWC).
- In connection with payroll and staff administration, personal information may be disclosed to the Local Education Authority or its agents, (e.g. Education Leeds). In any event, personal information will only be disclosed with proper justification under the Data Protection Act 1998.

Subject Access Requests

The school is required to permit individuals to access their own or their child's personal data held by the school via a subject access request. Any individual wishing to

exercise this right should do so in writing to the school. A standard form is available from the admin office or on the school's data protection web page.

The School aims to comply with requests for access to personal information as quickly as possible, but will ensure that it is provided within the 30 day limit set out in the GDPR.

Individuals will not be entitled to access information to which any of the exemptions in the Act applies. However, only those specific pieces of information to which the exemption applies will be withheld and determining the application of exemptions will be made by the Data Protection Officer.

Data Protection breaches

Where a Data Protection breach occurs, or is suspected, it should be reported immediately in accordance with this Policy. Confirmed or suspected data security breaches should be reported promptly to the school contact on **0113 3368383**, email: admin.office@banksideprimary.org. The report should include full and accurate details of the incident including who is reporting the incident and what classification of data is involved.

School's Notification Entry

School is properly notified (registered) under the Data Protection Act 1998 so that our processing of personal information is lawful. Our notification entry can be checked on-line at <https://ico.org.uk/> and by searching the registers. Alternatively, a copy of our notification entry can be checked by appointment in school.

Further Information

You can exercise your rights or find out more information about our school personal data handling policy from the school office on Leeds (0113) 3368383. You can also contact the Information Policy Section at Leeds City Council for more information about this area on Leeds (0113) 2477889, 3950780 or in writing to: Information Policy Section, 10th Floor East, Merrion House, Leeds, LS2 8DT .

Important Notice

All school staff have a duty to make sure that they comply with the requirements of the Data Protection Act 1998. In particular, all staff must ensure that records are: -

- Fair
- Accurate and where necessary up-to-date
- Kept and disposed of safely and securely

Individual members of staff can be liable in law under the terms of this Act. They may also be subject to claims for damages from persons harmed or who suffer distress as a result of inaccuracy, unauthorised use or disclosure of their data. Any deliberate breach of this policy will be treated as a disciplinary matter and serious breaches of the Act may lead to dismissal.

Staff responsibilities

Staff members who process personal data about pupils, staff, applicants or any other individual must comply with the requirements of this policy.

Staff members must ensure that:

- all personal data is kept securely;
- no personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party;
- personal data is kept in accordance with the LCC's retention schedule;
- any queries regarding data protection, including subject access requests and complaints, are promptly directed to the Data Protection Officer;

- any data protection breaches are swiftly brought to the attention of the Head teacher or the Data Protection Officer and that they support the above person(s) in resolving breaches;
- where there is uncertainty around a Data Protection matter advice is sought from the above person(s).

When members of staff are responsible for supervising a volunteer, contractor or short term staff doing work which involves the processing of personal information, they must ensure that these persons are aware of the Data Protection Principles, in particular, the requirement to obtain the data subject's consent where appropriate.

Staff who are unsure about who are the authorised third parties to whom they can legitimately disclose personal data should seek advice from the Data Protection Officer, Business and Finance Director or Head teacher.

Contractors, Short-Term and Voluntary Staff

The school is responsible for the use made of personal data by anyone working on its behalf. The school will ensure that contractors, short term or voluntary staff are appropriately vetted for the data they will be processing. Additionally the school will ensure that:

- any personal data collected or processed in the course of work undertaken for the school is kept securely and confidentially;
- all personal data is returned to the school on completion of the work, including any copies that may have been made. Alternatively that the data is securely destroyed and the school receives notification in this regard from the contractor or short term / voluntary member of staff;
- the school receives prior notification of any disclosure of personal data to any other organisation or any person who is not a direct employee of the contractor;
- any personal data made available by the school, or collected in the course of the work, is neither stored nor processed outside the UK unless written consent to do so has been received from the school;
- all practical and reasonable steps are taken to ensure that contractors, short term or voluntary staff do not have access to any personal data beyond what is essential for the work to be carried out properly.

Monitoring

This policy will be updated as necessary to reflect best practice or amendments made to the Data Protection Act 1998 and the GDPR. Compliance with the policies and procedures laid down in this document will be monitored by the Data Protection Officer together with independent reviews by the Governing Body. Revision and updating of this document will be done on a 3 yearly basis or sooner if the need arises.

This policy was approved by:

Name: The Full Governing Board

Designation: Bankside School Governors

Signature: _____

Date: 22nd March 2018

Appendix 4

