



## **Data Protection policy**

The Ivy Learning Trust Data Protection policy is approved by the Trust Board and will be reviewed biennially.

**Date agreed:** 30 April 2020

**Agreed by:** Ivy Learning Trust Board

**Review date:** April 2022

**Date of previous review:** 13 December 2018

### **Inclusion**

The Ivy Learning Trust carefully considers all policies with respect to the impact on equality and the possible implications for pupils and staff with protected characteristics.

### **Background**

This document is a statement of the aims and principles of the Ivy Learning Trust for ensuring the confidentiality of sensitive information relating to staff, pupils, parents, volunteers, trustees & governors.

The Ivy Learning Trust needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements and health and safety for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully.

All staff who process or use personal information must ensure that they follow these principles at all times.

### **Status of this policy**

This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the Trust from time to time. Any failures to follow the policy can therefore result in disciplinary proceedings.

### **Responsibilities of staff**

All staff are responsible for:

- Checking that any information that they provide to the Trust in connection with their employment is accurate and up to date
- Informing the Trust of any changes to information that they have provided, e.g. change of address. The Trust cannot be held responsible for any errors unless the staff member has informed the Trust of such changes
- Handling all personal data (e.g. pupil attainment data) with reference to this policy.

### **Data security**

Personal data held in paper form is kept in locked cabinets and is only taken off Trust premises with the permission of the Head on the understanding that it be securely stored. Personal data should always be locked away at the end of every day and should not be left visible on e.g. desks.

Personal data held on a computer must be password protected or encrypted and regularly backed up. Personal

information must be kept in a locked filing cabinet, drawer or safe. Personal information held on a memory drive must be encrypted and kept in a locked filing cabinet, drawer or safe. Laptops and computers are password protected. Passwords must not be shared. Sensitive data should never be stored off site.

Child Protection records are kept in locked cabinets and access is restricted to trained Child Protection Officers.

Personal information should not be disclosed orally, in writing, via web pages or by any other means, accidentally or otherwise, to any unauthorised third party. Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

## **Introduction**

The General Data Protection Regulation (GDPR) ensures a balance between an individual's rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business. It aims to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data.

The Trust will protect and maintain a balance between data protection rights in accordance with the GDPR. This policy sets out how we handle the personal data of our pupils, parents, suppliers, employees, workers and other third parties.

This policy does not form part of any individual's terms and conditions of employment with the Trust and is not intended to have a contractual effect. Changes to data protection legislation will be monitored and further amendments may be required to this policy in order to remain compliant with legal obligations.

All members of staff are required to familiarise themselves with its content and comply with the provisions contained in it. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the Trust's Disciplinary Policy and Procedure up to and including summary dismissal depending on the seriousness of the breach.

## **Section 1 - Definitions**

### **Personal data**

Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.

Personal data can be factual (for example a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.

### **Special category data**

Previously termed "Sensitive Personal Data", Special Category Data is similar by definition and refers to data concerning an individual Data Subject's racial or ethnic origin, political or religious beliefs, trade union membership, physical and mental health, sexuality, biometric or genetic data and personal data relating to criminal offences and convictions.

### **Data subject**

An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

## **Data controller**

The organisation storing and controlling such information (i.e. the Trust) is referred to as the Data Controller.

## **Processing**

Processing data involves any activity that involves the use of personal data. This includes but is not limited to: obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

## **Automated processing**

Automated processing covers any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

An example of automated processing includes profiling and automated decision making. Automatic decision making is when a decision is made which is based solely on automated processing which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.

## **Data Protection Impact Assessment (DPIA)**

DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

## **Criminal Records Information**

This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.

## **Biometric information**

This is information about a person's external physical characteristics such as fingerprints and the features of a person's eye. No Ivy schools collect such data.

## **Section 2 - When can the Trust process personal data**

### **Data Protection principles**

The Trust is responsible for and adhere to the principles relating to the processing of personal data as set out in the GDPR.

The principles the Trust must adhere to are: -

- (1) Personal data must be processed lawfully, fairly and in a transparent manner;
- (2) Personal data must be collected only for specified, explicit and legitimate purposes;
- (3) Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
- (4) Personal data must be accurate and, where necessary, kept up to date;
- (5) Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed; and
- (6) Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Further details on each of the above principles is set out below.

### **Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner**

The Trust only collects, processes and shares personal data fairly and lawfully and for specified purposes. The Trust must have a specified purpose for processing personal data and special category of data as set out in the GDPR.

Before the processing starts for the first time we will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. We will then regularly review those purposes whilst processing continues in order to satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve that purpose).

#### **Personal data**

The Trust may only process a data subject's personal data if one of the following fair processing conditions are met: -

- The data subject has given their consent;
- The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- To perform a task in the public interest or in order to carry out official functions as authorised by law;
- For the purposes of the Trust's legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

#### **Special category data**

The Trust may only process special category data if they are entitled to process personal data (using one of the fair processing conditions above) AND one of the following conditions are met: -

- The data subject has given their explicit consent;
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the Trust in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- Where the data has been made public by the data subject;
- To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;
- Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- Where it is necessary for reasons of public interest in the area of public health;
- The processing is necessary for archiving, statistical or research purposes.

The Trust identifies and documents the legal grounds being relied upon for each processing activity.

### **Consent**

Where the Trust relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured.

If explicit consent is required, the Trust will normally seek another legal basis to process that data. However if explicit consent is required the data subject will be provided with full information in order to provide explicit consent.

The Trust will keep records of consents obtained in order to demonstrate compliance with consent requirements under the GDPR.

### **Principle 2: Personal data must be collected only for specified, explicit and legitimate purposes**

Personal data will not be processed in any matter that is incompatible with the legitimate purposes.

The Trust will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

### **Principle 3: Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed**

The Trust will only process personal data when our obligations and duties require us to. We will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, the Trust shall delete or anonymise the data. [Please refer to the Trust's Data Retention Policy for further guidance].

### **Principle 4: Personal data must be accurate and, where necessary, kept up to date**

The Trust will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the Trust.

### **Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed**

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. The Trust will ensure that they adhere to legal timeframes for retaining data.

We will take reasonable steps to destroy or erase from our systems all personal data that we no longer require. We will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

Please refer to the Retention Schedule (see below) for further details about how the Trust retains and removes data.

**Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage**

In order to assure the protection of all data being processed, the Trust will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -

- Encryption;
- Pseudonymisation (this is where the Trust replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);
- Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);
- Adhering to confidentiality principles;
- Ensuring personal data is accurate and suitable for the process for which it is processed.

The Trust follows procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

The Trust will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

**Sharing Personal Data**

The Trust will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. These include if the third party: -

- Has a need to know the information for the purposes of providing the contracted services;
- Sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;
- The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
- The transfer complies with any applicable cross border transfer restrictions; and
- A fully executed written contract that contains GDPR approved third party clauses has been obtained.

There may be circumstances where the Trust is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities, for example, the local authority, Ofsted or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of our Trust shall be clearly defined within written notifications and details and basis for sharing that data given.

**Transfer of Data Outside the European Economic Area (EEA)**

The GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the GDPR is not undermined.

The Trust will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the GDPR. All staff must comply with the Trust's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

### **Section 3 - Data subject's rights and requests**

Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data.

The rights data subjects have in relation to how the Trust handle their personal data are set out below: -

- (a) (Where consent is relied upon as a condition of processing) To withdraw consent to processing at any time;
- (b) Receive certain information about the Trust's processing activities;
- (c) Request access to their personal data that we hold;
- (d) Prevent our use of their personal data for marketing purposes;
- (e) Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- (f) Restrict processing in specific circumstances;
- (g) Challenge processing which has been justified on the basis of our legitimate interests or in the public interest;
- (h) Request a copy of an agreement under which personal data is transferred outside of the EEA;
- (i) Object to decisions based solely on automated processing;
- (j) Prevent processing that is likely to cause damage or distress to the data subject or anyone else;
- (k) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;
- (l) Make a complaint to the supervisory authority; and
- (m) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member within the Trust to verify the identity of the individual making the request.

#### **Subject Access Requests**

A Data Subject has the right to be informed by the Trust of the following: -

- (a) Confirmation that their data is being processed;
- (b) Access to their personal data;
- (c) A description of the information that is being processed;
- (d) The purpose for which the information is being processed;
- (e) The recipients/class of recipients to whom that information is or may be disclosed;
- (f) Details of the Trust's sources of information obtained;
- (g) In relation to any Personal Data processed for the purposes of evaluating matters in relation to the Data Subject that has constituted or is likely to constitute the sole basis for any decision significantly affecting

him or her, to be informed of the logic of the Data Controller's decision making. Such data may include, but is not limited to, performance at work, creditworthiness, reliability and conduct.

(h) Other supplementary information

Any Data Subject who wishes to obtain the above information must notify the Trust in writing of his or her request. This is known as a Data Subject Access Request.

The request should in the first instance be sent to the IT Network and Data Manager.

### **Direct Marketing**

The Trust is subject to certain rules and privacy laws when marketing. For example a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

The Trust will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. The Trust will promptly respond to any individual objection to direct marketing.

### **Employee Obligations**

Employees may have access to the personal data of other members of staff, suppliers, parents or pupils of the Trust in the course of their employment or engagement. If so, the Trust expects those employees to help meet the Trust's data protection obligations to those individuals. Specifically, you must: -

- Only access the personal data that you have authority to access, and only for authorised purposes;
- Only allow others to access personal data if they have appropriate authorisation;
- Keep personal data secure (for example by complying with rules on access to Trust premises, computer access, password protection and secure file storage and destruction [Please refer to the Trust's Security Policy for further details about our security processes]);
- Not to remove personal data or devices containing personal data from the Trust premises unless appropriate security measures are in place (such as Pseudonymisation, encryption, password protection) to secure the information;
- Not to store personal information on local drives.

## **Section 4 - Accountability**

The Trust will ensure compliance with data protection principles by implementing appropriate technical and organisational measures. We are responsible for and demonstrate accountability with the GDPR principles.

The Trust have taken the following steps to ensure and document GDPR compliance: -

### **Data Protection Officer (DPO)**

Please find below details of the Trust's Data Protection Officer: -

Data Protection Officer: Craig Stilwell  
Address: Judicium Consulting Ltd, 72 Cannon Street, London, EC4N 6AE  
Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)  
Telephone: 0203 326 9174

The DPO is responsible for overseeing this data protection policy and developing data-related policies and guidelines.

Please contact the DPO with any questions about the operation of this Data Protection Policy or the GDPR or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances: -

- (a) If you are unsure of the lawful basis being relied on by the Trust to process personal data;
- (b) If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);
- (c) If you need to draft privacy notices or fair processing notices;
- (d) If you are unsure about the retention periods for the personal data being processed;
- (e) If you are unsure about what security measures need to be put in place to protect personal data;
- (f) If there has been a personal data breach;
- (g) If you are unsure on what basis to transfer personal data outside the EEA;
- (h) If you need any assistance dealing with any rights invoked by a data subject;
- (i) Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;
- (j) If you plan to undertake any activities involving automated processing or automated decision making;
- (k) If you need help complying with applicable law when carrying out direct marketing activities;
- (l) If you need help with any contracts or other areas in relation to sharing personal data with third parties.

### **Personal Data Breaches**

The GDPR requires the Trust to notify any applicable personal data breach to the Information Commissioner's Office (ICO).

We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where we are legally required to do so.

If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately (within 72 hours) contact the person designated as the key point of contact for personal data breaches (who is the IT Network and Data Manager) or your DPO.

### **Transparency and Privacy Notices**

The Trust will provide detailed, specific information to data subjects. This information will be provided through the Trust's privacy notices which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can easily understand them. Privacy notices set out information for data subjects about how the Trust uses their data and the Trust's privacy notices are tailored to suit the data subject.

Whenever we collect personal data directly from data subjects, including for human resources or employment purposes, we will provide the data subject with all the information required by the GDPR including the identity of the data protection officer, the Trust's contact details, how and why we will use, process, disclose, protect and retain personal data.

When personal data is collected indirectly (for example from a third party or publicly available source), we will provide the data subject with the above information as soon as possible after receiving the data. The Trust will also confirm whether that third party has collected and processed data in accordance with the GDPR.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as “children” under the GDPR

Privacy notices can be found at appendix A and B.

## **Privacy by Design**

The Trust adopts a privacy by design approach to data protection to ensure that we adhere to data compliance and to implement technical and organisational measures in an effective manner.

Privacy by design is an approach that promotes privacy and data protection compliance from the start. To help us achieve this, the Trust takes into account the nature and purposes of the processing, any cost of implementation and any risks to rights and freedoms of data subjects when implementing data processes.

## **Data Protection Impact Assessments (DPIAs)**

In order to achieve privacy by design approach, the Trust conducts DPIAs for any new technologies or programmes being used by the Trust which could affect the processing of personal data. In any event the Trust carries out DPIAs when required by the GDPR in the following circumstances: -

- For the use of new technologies (programs, systems or processes) or changing technologies;
- For the use of automated processing;
- For large scale processing of special category data;
- For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

Our DPIAs contain: -

- A description of the processing, its purposes and any legitimate interests used;
- An assessment of the necessity and proportionality of the processing in relation to its purpose;
- An assessment of the risk to individuals; and
- The risk mitigation measures in place and demonstration of compliance.

## **Record Keeping**

The Trust is required to keep full and accurate records of our data processing activities. These records include: -

- The name and contact details of the Trust;
- The name and contact details of the Data Protection Officer;
- Descriptions of the types of personal data used;
- Description of the data subjects;
- Details of the Trust’s processing activities and purposes;
- Details of any third party recipients of the personal data;
- Where personal data is stored;
- Retention periods; and
- Security measures in place.

## **Training**

The Trust will ensure all relevant personnel have undergone adequate training to enable them to comply with data privacy laws.

## **Audit**

The Trust through its data protection officer regularly tests our data systems and processes in order to assess compliance. These are done through data audits which take place annually in order to review use of personal data.

## **Related Policies**

Staff should refer to the following policies that are related to this data protection policy: -

- Data retention policy;
- Data breach policy.

These policies are also designed to protect personal data and can be found at Appendices C and D

## **Section 5 - Automated processing and automated decision making**

Generally automated decision making is prohibited when a decision has a legal or similar significant effect on an individual unless:

- (a) The data subject has given explicit consent;
- (b) The processing is authorised by law; or
- (c) The processing is necessary for the performance of or entering into a contract.

If certain types of sensitive data are being processed, then (b) or (c) above will not be allowed unless it is necessary for the substantial public interest (for example fraud prevention).

If a decision is to be based solely on automated processing, then data subjects must be informed of their right to object. This right will be explicitly brought to their attention and presented clearly and separately from other information. Further, suitable measures must be put in place to safeguard the data subject's rights and freedoms and legitimate interests.

The Trust will also inform the data subject of the logic involved in the decision making or profiling, the significance and envisaged consequences and give the data subject the right to request human intervention, express their point of view or challenge the decision.

The Trust will carry out a data protection impact assessment before any automated processing or automated decision making activities are undertaken.

## **Monitoring**

We will monitor the effectiveness of this and all of our policies and procedures and conduct a full review and update as appropriate.

Our monitoring and review will include looking at how our policies and procedures are working in practice to reduce the risks posed to the Trust.

## **Appendix A: Privacy Notice for parents and pupils**

### **Privacy Notice for [NAME OF SCHOOL]**

[NAME OF SCHOOL] is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information about pupils, in accordance with the General Data Protection Regulation (GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

#### **Who collects this information**

[NAME OF SCHOOL] is a “data controller.” This means that we are responsible for deciding how we hold and use personal information about pupils.

#### **The categories of pupil information that we collect, process, hold and share**

We may collect, store and use the following categories of personal information about you: -

- Personal information such as name, pupil number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- [Financial details];
- [Post 16 learning information];
- Performance and assessment information;
- Behavioural information (including exclusions);
- Special educational needs information;
- Relevant medical information;
- Special categories of personal data (including [biometric data, ethnicity, relevant medical information, special educational needs information]);
- Images of pupils engaging in school activities, and images captured by the School’s CCTV system; and
- Information about the use of our IT, communications and other systems, and other monitoring information.

#### **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 pupil information to us or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

#### **How we use your personal information**

We hold pupil data and use it for: -

- Pupil selection (and to confirm the identity of prospective pupils and their parents);
- Providing education services and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Informing decisions such as the funding of schools;
- Assessing performance and to set targets for schools;
- Safeguarding pupils' welfare and providing appropriate pastoral (and where necessary medical) care;
- Support teaching and learning;

- Giving and receive information and references about past, current and prospective pupils, and to provide references to potential employers of past pupils;
- Managing internal policy and procedure;
- Enabling pupils to take part in assessments, to publish the results of examinations and to record pupil achievements;
- To carry out statistical analysis for diversity purposes;
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- Enabling relevant authorities to monitor the Trust's performance and to intervene or assist with incidents as appropriate;
- Monitoring use of the Trust's IT and communications systems in accordance with the Trust's IT security policy;
- Making use of photographic images of pupils in publications, on websites and on social media channels;
- Security purposes, including CCTV; and
- Where otherwise reasonably necessary for the Trust's purposes, including to obtain appropriate professional advice and insurance for the Trust.
- To provide support to pupils after they leave the school

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

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at:

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is required or permitted by law.

### **Sharing data**

We may need to share your data with third parties where it is necessary. 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's the only way we can make sure you stay safe and healthy or we are legally required to do so.

We share pupil information with: -

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013;
- Ofsted;
- Youth support services – under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds;
- other schools within the Federation/Trust;
- Other Schools that pupils have attended/will attend;
- NHS;
- Welfare services (such as social services);

- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer;
- Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security); and
- The Local Authority.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

[We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.]

### **Why we share this information**

We do not share information about our pupils with anyone without consent unless otherwise required by law.

For example, we share students' data with the DfE on a statutory basis which underpins school funding and educational attainment. To find out more about the data collection requirements placed on us by the DfE please go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Storing pupil data**

The Trust keeps information about pupils on computer systems and sometimes on paper.

Except as required by law, the Trust only retains information about pupils for as long as necessary in accordance with timeframes imposed by law and our internal policy.

If you require further information about our retention periods, please let the IT Network and Data Manager know who can provide you with a copy of our policy.

### **Automated decision making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in limited circumstances.

Pupils will not be subject to automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way).

### **The National Pupil Database**

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 Department. 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 the school census and early years' 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, go to

<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 and 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-collect-and-share-research-data>

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

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

To contact DfE: <https://www.gov.uk/contact-dfe>

### **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 education record], contact [NAME].

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 purposes 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 want to exercise any of the above rights, please contact [NAME] in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **Right to withdraw consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the IT Network and Data Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the IT Network and Data Manager in the first instance.

We have appointed a Data Protection Officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the IT Network and Data Manager, then you can contact the DPO on the details below: -

Data Protection Officer Name: Craig Stilwell

Data Protection Officer Details: Judicium Consulting Ltd, 72 Cannon Street, London, EC4N 6AE

Data Protection Officer Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at

<https://ico.org.uk/concerns>.

## **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## **Appendix B: Privacy Notice for staff**

### **Privacy Notice for [NAME OF SCHOOL]**

[NAME OF SCHOOL] is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your work relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all current and former employees, workers and contractors.

#### **Who collects this information**

[NAME OF SCHOOL] is a 'Data Controller.' This means that we are responsible for deciding how we hold and use personal information about you.

We are required under Data Protection legislation to notify you of the information contained in this Privacy Notice. This Notice does not form part of any contract of employment or other contract to provide services and we may update this Notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

#### **Data Protection principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

#### **The categories of information that we collect, process, hold and share**

We may collect, store and use the following categories of personal information about you: -

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Information collected during the recruitment process that we retain during your employment including references, proof of right to work in the UK, application form, CV, qualifications;
- Employment contract information such as start dates, hours worked, post, roles;
- Education and training details;
- Details of salary and benefits including payment details, payroll records, tax status information, national insurance number, pension and benefits information;
- Details of any dependants;
- Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
- Information in your sickness and absence records such as number of absences and reasons (including sensitive personal information regarding your physical and/or mental health);
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
- Criminal records information as required by law to enable you to work with children;
- Your trade union membership;
- Information on grievances raised by or involving you;
- Information on conduct and/or other disciplinary issues involving you;
- Details of your appraisals, performance reviews and capability issues;
- Details of your time and attendance records;

- Information about the use of our IT, communications and other systems, and other monitoring information;
- Details of your use of business-related social media;
- Images of staff captured by the School's CCTV system;
- Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the School, you will be notified separately if this is to occur); and
- Details in references about you that we give to others.

#### **How we collect this information**

- We may collect this information from you, your personnel records, the Home Office, pension administrators, your doctors, from medical and occupational health professionals we engage, the DBS, your trade union, other employees, other professionals we may engage (e.g. to advise us generally), automated monitoring of our websites and other technical systems such as our computer networks and connections, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

#### **How we use your information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below: -

- To determine recruitment and selection decisions on prospective employees;
- In order to carry out effective performance of the employees contract of employment and to maintain employment records;
- To comply with regulatory requirements and good employment practice;
- To carry out vetting and screening of applicants and current staff in accordance with regulatory and legislative requirements;
- Enable the development of a comprehensive picture of the workforce and how it is deployed and managed;
- To enable management and planning of the workforce, including accounting and auditing;
- Personnel management including retention, sickness and attendance;
- Performance reviews, managing performance and determining performance requirements;
- In order to manage internal policy and procedure;
- Human resources administration including pensions, payroll and benefits;
- To determine qualifications for a particular job or task, including decisions about promotions;
- Evidence for possible disciplinary or grievance processes;
- Complying with legal obligations;
- To monitor and manage staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purposes of safeguarding;

- To monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communications systems and preventing malicious software distribution;
- Education, training and development activities;
- To monitor compliance with equal opportunities legislation;
- To answer questions from insurers in respect of any insurance policies which relate to you;
- Determinations about continued employment or engagement;
- Arrangements for the termination of the working relationship;
- Dealing with post-termination arrangements;
- Health and safety obligations;
- Prevention and detection of fraud or other criminal offences; and
- To defend the Trust in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

#### **How we use particularly sensitive information**

Sensitive personal information (as defined under the GDPR as 'Special Category Data') requires higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances:

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme);
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

We will use this information in the following ways: -

- Collecting information relating to leave of absence, which may include sickness absence or family related leave;
- To comply with employment and other laws;
- Collecting information about your physical or mental health, or disability status, to ensure your health and welfare in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to manage sickness absence and to administer benefits;
- Collecting information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.

- To record trade union membership information to pay trade union premiums and to comply with employment law obligations.

### **Criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

### **Automated decision making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances: -

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Sharing data**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following:

- the Department for Education (DfE);
- Ofsted;
- Other schools within the Federation/Trust;
- Prospective Employers;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- LADO;
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The Local Authority;
- Occupational Health;
- DBS; and
- Recruitment and supply agencies.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

## **Retention periods**

Except as otherwise permitted or required by applicable law or regulation, the Trust only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the Trust considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

The Trust typically retains personal data for 6 years, subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period.

## **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. Details of these measures are available

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Your rights of access, correction, erasure and restriction**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a 'Subject Access Request'). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact the IT Network and Data Manager in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the IT Network and Data Manager. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **How to raise a concern**

We hope that the IT Network and Data Manager can resolve any query you raise about our use of your information in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the IT Network and Data Manager, then you can contact the DPO on the details below: -

Data Protection Officer Name: Craig Stilwell

Data Protection Officer Details: Judicium Consulting Ltd, 72 Cannon Street, London, EC4N 6AE

Data Protection Officer Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

### **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## Appendix C: Privacy Notice for Governors and Volunteers

[NAME OF SCHOOL]

[NAME OF SCHOOL] is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your work relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to governors and volunteers.

### Who collects this information

[NAME OF SCHOOL] is a 'Data Controller'. This means that we are responsible for deciding how we hold and use personal information about you.

We are required under Data Protection legislation to notify you of the information contained in this Privacy Notice. This Notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this Notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### Data Protection principles

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

### The categories of information that we collect, process, hold and share

We may collect, store and use the following categories of personal information about you: -

- Personal information and contact details such as name, any previous name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Education details;
- DBS details;
- Employment details;
- Information about business and pecuniary interests;
- Information acquired as part of your application to become a governor;
- Criminal records information as required by law to enable you to work with children;
- Information about your use of our IT, communications and other systems, and other monitoring information;
- Photographs;
- Images captured by the School's CCTV system;
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs; and
- Details in references about you that we give to others.

## **How we collect this information**

We may collect this information from you directly, from the DBS, other employees and professionals we may engage, automated monitoring of our websites and other technical systems such as our computer networks and connects, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

A majority of the information that we collect from you is mandatory, however there is some information that you can choose whether or not to provide it 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 use your information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Where you have provided your consent;
- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation (such as health and safety legislation and under statutory codes of practice);
- Where it is needed in the public interest or for official purposes; or
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.

We need all the categories of information in the list above primarily to allow us to comply with our legal obligations and to enable us as a Trust to perform our public task. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below: -

- To determine appointment and suitability as a governor;
- To deal with election of governors;
- To comply with safeguarding obligations;
- To provide details on our website or online databases about governors;
- To communicate with third parties and other stakeholders to the Trust;
- For business management and planning purposes (including accounting, budgetary and health and safety purposes);
- For financial purposes (such as expenses);
- To deal with any complaints/investigations as required;
- When you sit on a panel or committee, name and comments as well as decisions made;
- To send communications in your role as governor;
- For education, training and development requirements;
- In order to review governance of the Trust;
- In order to comply with any legal dispute or any legal obligations;
- In order to comply with regulatory requirements or health and safety obligations;
- To ensure system security, including preventing unauthorised access to our networks;

- To monitor use of our systems to ensure compliance with our IT processes;
- To receive advice from external advisors and consultants;
- To liaise with regulatory bodies (such as the DfE, DBS); and
- Dealing with termination of your appointment.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations (such as to ensure health and safety). Where you have provided us with consent to use your data, you may withdraw this consent at any time.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

### **How we use particularly sensitive information**

Sensitive personal information (as defined under the GDPR as 'Special category data') requires higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances: -

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme); or
- Where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

### **Criminal convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

### **Automated decision making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances: -

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or

- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

### **Sharing data**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following: -

- Government departments or agencies
- The Local Authority
- Suppliers and Service providers
- Professional advisors and consultants
- The Department for Education
- Law enforcement
- Other schools within the federation/trust
- Support services;
- DBS.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Retention periods**

Except as otherwise permitted or required by applicable law or regulation, the Trust only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the Trust considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer a governor or volunteer of the school we will retain and securely destroy your personal information in accordance with our data retention policy.

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees,

agents, contractors and other third parties who have a business need to know. Details of these measures are available [\[DETAILS\]](#).

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Your rights of access, correction, erasure and restriction**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a “subject access request”). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact [\[NAME\]](#) in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to withdraw consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact [\[NAME\]](#). Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **How to raise a concern**

We hope that [NAME] can resolve any query you raise about our use of your information in the first instance.

We have appointed a Data Protection Officer (DPO) to oversee compliance with Data Protection and this Privacy Notice. If you have any questions about how we handle your personal information which cannot be resolved by [NAME], then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

## **Changes to this Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## **Appendix D Data Retention Policy**

The Trust has a responsibility to maintain its records and record keeping systems. When doing this, the Trust will take account of the following factors: -

- The most efficient and effective way of storing records and information;
- The confidential nature of the records and information stored;
- The security of the record systems used;
- Privacy and disclosure; and
- Their accessibility.

This policy does not form part of any employee's contract of employment and is not intended to have a contractual effect. It does, however, reflect the Trust's current practice, the requirements of current legislation and best practice and guidance. It may be amended by the Trust from time to time and any changes will be notified to employees within one month of the date on which the change is intended to take effect. The Trust may also vary any parts of this procedure, including any time limits, as appropriate in any case.

### **Data Protection**

This policy sets out how long employment-related and pupil data will normally be held by us and when that information will be confidentially destroyed in compliance with the terms of the General Data Protection Regulation (GDPR) and the Freedom of Information Act 2000.

Data will be stored and processed to allow for the efficient operation of the Trust. The Trust's Data Protection Policy outlines its duties and obligations under the GDPR.

### **Retention schedule**

Information (hard copy and electronic) will be retained for at least the period specified in the attached retention schedule. When managing records, the Trust will adhere to the standard retention times listed within that schedule.

Paper records will be regularly monitored by the IT Network and Data Manager.

Electronic records will be regularly monitored by the IT Network and Data Manager.

The schedule is a relatively lengthy document listing the many types of records used by the Trust and the applicable retention periods for each record type. The retention periods are based on business needs and legal requirements.

### **Destruction of records**

Where records have been identified for destruction they should be disposed of in an appropriate way. All information must be reviewed before destruction to determine whether there are special factors that mean destruction should be delayed, such as potential litigation, complaints or grievances.

All paper records containing personal information, or sensitive policy information should be shredded before disposal where possible. All other paper records should be disposed of by an appropriate waste paper merchant. All electronic information will be deleted.

Each school maintains a database of records which have been destroyed and who authorised their destruction. When destroying documents, the appropriate staff member should record in this list at least: -

- File reference (or other unique identifier);
- File title/description;
- Number of files; and

- Name of the authorising officer.

### **Archiving**

Where records have been identified as being worthy of preservation over the longer term, arrangements should be made to transfer the records to the archives. A database of the records sent to the archives is maintained by the IT Network and Data Manager. The appropriate staff member, when archiving documents should record in this list the following information: -

- File reference (or other unique identifier);
- File title/description;
- Number of files; and
- Name of the authorising officer.

### **Transferring information to other media**

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media such as digital media or virtual storage centres (such as cloud storage). The lifespan of the media and the ability to migrate data where necessary should always be considered.

### **Responsibility and monitoring**

The IT Network and Data Manager has primary and day-to-day responsibility for implementing this Policy. The Data Protection Officer, in conjunction with the Trust is responsible for monitoring its use and effectiveness and dealing with any queries on its interpretation. The data protection officer will consider the suitability and adequacy of this policy and report improvements directly to management.

Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in creating, maintaining and removing records.

Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this Policy and are given adequate and regular training on it.

## RETENTION SCHEDULE

FILE DESCRIPTION	RETENTION PERIOD
<b>Employment Records</b>	
Job applications and interview records of unsuccessful candidates	Six months after notifying unsuccessful candidates, unless the Trust has applicants' consent to keep their CVs for future reference. Application forms will give applicants the opportunity to object to their details being retained
Job applications and interview records of successful candidates	6 years after employment ceases
Written particulars of employment, contracts of employment and changes to terms and conditions	6 years after employment ceases
Right to work documentation including identification documents	2 years after employment ceases
Immigration checks	Two years after the termination of employment
DBS checks and disclosures of criminal records forms	As soon as practicable after the check has been completed and the outcome recorded (i.e. whether it is satisfactory or not) unless in exceptional circumstances (for example to allow for consideration and resolution of any disputes or complaints) in which case, for no longer than 6 months.
Change of personal details notifications	No longer than 6 months after receiving this notification
Emergency contact details	Destroyed on termination
Personnel and training records	While employment continues and up to six years after employment ceases
Annual leave records	Six years after the end of tax year they relate to or possibly longer if leave can be carried over from year to year
Consents for the processing of personal and sensitive data	For as long as the data is being processed and up to 6 years afterwards
Working Time Regulations: <ul style="list-style-type: none"> <li>● Opt out forms</li> <li>● Records of compliance with WTR</li> </ul>	<ul style="list-style-type: none"> <li>● Two years from the date on which they were entered into</li> <li>● Two years after the relevant period</li> </ul>
Disciplinary and training records	6 years after employment ceases
Allegations of a child protection nature against a member of staff including where the allegation is founded	10 years from the date of the allegation or the person's normal retirement age (whichever is longer). This should be kept under review. Malicious allegations should be removed.
<b>Financial and Payroll Records</b>	
Pension records	12 years
Retirement benefits schemes – notifiable events (for example, relating to incapacity)	6 years from the end of the scheme year in which the event took place
Payroll and wage records	6 years after end of tax year they relate to
Maternity/Adoption/Paternity Leave records	3 years after end of tax year they relate to
Statutory Sick Pay	3 years after the end of the tax year they relate to
Current bank details	No longer than necessary

<b>Agreements and Administration Paperwork</b>	
Collective workforce agreements and past agreements that could affect present employees	Permanently
Trade union agreements	10 years after ceasing to be effective
School Development Plans	3 years from the life of the plan
Professional Development Plans	6 years from the life of the plan
Visitors Book and Signing In Sheets	6 years
Newsletters and circulars to staff, parents and pupils	1 year
<b>Health and Safety Records</b>	
Health and Safety consultations	Permanently
Health and Safety Risk Assessments	3 years from the life of the risk assessment
Any reportable accident, death or injury in connection with work	For at least twelve years from the date the report was made
Accident reporting	Adults – 6 years from the date of the incident Children – when the child attains 25 years of age.
Fire precaution log books	6 years
Medical records and details of: - <ul style="list-style-type: none"> <li>● control of lead at work</li> <li>● employees exposed to asbestos dust</li> <li>● records specified by the Control of Substances Hazardous to Health Regulations (COSHH)</li> </ul>	40 years from the date of the last entry made in the record
Records of tests and examinations of control systems and protection equipment under COSHH	5 years from the date on which the record was made
<b>Temporary and Casual Workers</b>	
Records relating to hours worked and payments made to workers	3 years
<b>Pupil Records</b>	
Admissions records	1 year from the date of admission
Admissions register	Entries to be preserved for three years from date of entry
School Meals Registers	3 years
Free School Meals Registers	6 years
Pupil Record	6 years
Attendance Registers	3 years from the date of entry
Special Educational Needs files, reviews and individual education plans (this includes any statement and all advice and information shared regarding educational needs)	Until the child turns 25
Complaints	Records of complaints will be kept for 6 years from date of final outcome
<b>Emails</b>	
Governors records	1 year post resignation/ removal
<b>Other Records</b>	