

BROCKINGTON COLLEGE



Data Protection Policy

Brockington College, a Church of England Academy, has at its heart a distinctive Christian ethos. Based on our Christian foundation and values we seek to promote a culture of developing every person and therefore every school policy is written from this perspective, with a commitment to learning and maturing in the context of communal and individual development. We lay particular stress on the Christian values of perseverance, learning, wisdom, justice, koinonia, forgiveness and compassion for individuals and across the school community.

Signature: Date:

Printed Name: Position:

Date of Review	May 2018
Next Review	May 2019
Approval By	Leadership & Management Committee
Review Frequency	Annual

(Updated for interim approval May 2018 in relation to GDPR)

What is the GDPR (General Data Protection Regulation)?

This is a European directive that will be brought into UK law with an updated Data Protection Act (DPA) for May 2018. Brexit will not change it.

The current Data Protection Act 1998 will be repealed and replaced with the Data Protection Act 2018.

What is the point of the GDPR?

The GDPR and new DPA exist to look after an individual's data. It is a series of safeguards for every individual. Information about individuals needs to be treated with respect and be secure.

The GDPR exists to protect individual rights in an increasingly digital world.

Who does it apply to?

Everyone, including academies. As public bodies, academies have more obligations than some small businesses. It is mandatory to comply with the GDPR and proposed provisions in the new Act.

Brockington College wants to make sure information about pupils, parents/carers, staff and volunteers is kept secure and within the law.

What is Data?

Any information that relates to a living person that identifies them. This can be by name, address or phone number, for example. It also relates to details about that person, which can include opinions.

Some data is considered to be more sensitive, and therefore more important to protect. This is information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life and sexual orientation, genetic data, and biometric data where processed to uniquely identify a person.

Brockington College often collects sensitive data for Department for Education (DfE) and local authority (LA) requirements and, of course, pupil data may contain information about safeguarding, SEND or health needs. Information about other family members may also be on the school file.

Every academy also has to publish a Privacy/Fair Processing Notice on its website.

What are the key principles of the GDPR? Lawfulness, transparency & fairness

Brockington College must have a legitimate reason to hold the data, which is explained in the Data Privacy Notices on the school website. We often ask for consent to use data about a pupil for a particular purpose. If you wish to withdraw consent, we have a form to complete to allow us to process your request. There are some times when you cannot withdraw consent, as explained in 'Data Subjects Rights'.

Collect data for a specific purpose and use it for that purpose

Data cannot be used for a purpose that it was not originally collected for, or where notice has not been given about how data may be used after collection.

Limited collection

Data controllers should only collect the minimum amount of data needed for a particular task or reason. If there is a breach or a hack, only limited information can be lost.

Accuracy

Data collected should be accurate, and steps should be taken to check and confirm accuracy. We do this when pupils join Brockington College and check this on an annual basis.

If a data subject feels that the information held is inaccurate, should no longer be held by the controller or should not be held by the controller in any event, a dispute resolution process and complaint process can be accessed, using the suitable forms.

Retention

Brockington College has a retention policy that explains how long it stores records for. This is available on request.

Security

Brockington College has processes in place to keep data safe. That might be paper files, electronic records or other information. Brockington College maintains a separate Information Security Policy.

Who is a 'data subject'?

Someone whose details we keep on file. Some details are more sensitive than others. The GDPR sets out collection of details such as health conditions and ethnicity which are more sensitive than names and telephone numbers.

Data subjects' rights

Individuals have a right:-

- to be informed of access to data stored about them or their children
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for school to keep the data
- to restrict processing, ie to limit what is done with their data
- to object to data being shared or collected

There are other rights that relate to automated decision making and data portability that are not directly relevant in academies.

Data subjects' rights are also subject to child protection and safeguarding concerns and sharing information for the prevention and detection of crime. Academies also have legal and contractual obligations to share information with organisations such as the DfE, Social Care, the LA and Her Majesty's Revenue and Customs, amongst others. In some cases, these obligations override individual rights.

Subject Access Requests (SAR)

You can ask for copies of information that we hold about you or a pupil who you have parental responsibility for or are a parent/carer of at Brockington College. The subject access request process is set out separately. You need to fill out the form and you may need to provide identification evidence for us to process the request.

We have to provide the information within a month, but this can be extended if, for example, the school was closed for holidays. The maximum extension is up to two months.

When we receive a request, we may ask you to be more specific about the information that you require. This is to refine any queries to make sure you access what you need, rather than sometimes getting a lot of information that may not be relevant to your query.

In some cases, we cannot share all information we hold on file if there are contractual, legal or regulatory reasons.

We cannot release information provided by a third party without their consent, or in some cases you may be better to approach them directly, eg school nurses who are employed by the National Health Service.

We will supply the information in an electronic form.

If you wish to complain about the process, please see our complaints policy and later information in this policy.

Who is a 'data controller'?

The Brockington College governing board is the data controller and has ultimate responsibility for how Brockington College manages data. The governing board delegates this to data processors to act on their behalf.

Who is a 'data processor'?

This is a person or organisation that uses, collects, accesses or amends the data that the controller has collected or authorised to be collected. It can be a member of staff, a third-party company, possibly a governor, a contractor or temporary employee. It can also be another organisation, such as the police or the LA.

Data controllers must make sure that data processors are as careful about the data as the controller themselves. The GDPR places additional obligations on organisations to make sure that data controllers require contractual agreements to ensure that this is the case.

Processing Data

Brockington College must have a reason to process the data about an individual. Our privacy notices set out how we use data. The GDPR has six conditions for lawful processing and any time we process data relating to an individual it is within one of those conditions.

If there is a data breach, we have a separate procedure to follow to take immediate action to remedy the situation as quickly as possible.

The legal basis and authority for collecting and processing data at Brockington College are:

- consent obtained from the data subject or their parent/carer
- performance of a contract where the data subject is a party
- compliance with a legal obligation
- to protect the vital interests of the data subject or other associated person
- to carry out the processing that is in the public interest and/or official authority
- it is necessary for the legitimate interests of the data controller or third party in accordance with national law.

In addition, any special categories of personal data are processed on the grounds of :

- explicit consent from the data subject or about their child
- necessary to comply with employment rights or obligations
- protection of the vital interests of the data subject or associated person
- being necessary to comply with the legitimate activities of the school
- existing personal data that has been made public by the data subject and is no longer confidential
- bringing or defending legal claims
- safeguarding
- national laws in terms of processing genetic, biometric or health data

Processing data is recorded within the school's systems.

Data Sharing

Data sharing is done within the limits set by the GDPR. Guidance from the DfE, health service, the police, LAs and other specialist organisations may be used to determine whether data is shared.

The basis for sharing or not sharing data is recorded in Brockington College's systems.

Breaches & Non-Compliance

If there is non-compliance with the policy or processes, or if there is a DPA breach, as described within the GDPR and DPA 2018, then the guidance set out in the Breach & Non Compliance Procedure and Process needs to be followed.

Protecting data and maintaining data subjects' rights is the purpose of this policy and associated procedures.

Consent

As an academy, Brockington College will seek consent from staff, volunteers, young people, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required.

However, in most cases, data will only be processed if explicit consent has been obtained.

Consent is defined by the GDPR as *“any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”*.

We may seek consent from young people also, and this will be dependent on the child and the reason for processing.

Consent & Renewal

On the Brockington College website there are 'Privacy Notices' that explain how data is collected and used. It is important to read those notices as it explains how data is used in detail.

Obtaining clear consent and ensuring that the consent remains in place is important for school. We also want to ensure the accuracy of that information.

For Pupils and Parents/Carers

On arrival at Brockington College, you will be asked to complete a form giving next of kin details, emergency contacts and other essential information. We will also ask you to give consent to use the information for other in school purposes, as set out on the data collection/consent form.

We review the contact and consent form on an annual basis. It is important to inform the school if details or your decision about consent changes.

Pupil Consent Procedure

Where processing relates to a child under 16 years old, Brockington College will obtain the consent from a person who has parental responsibility for the child.

Pupils may be asked to give consent or to be consulted about how their data is obtained, shared and used in certain situations.

Withdrawal of Consent

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent, the school will consider each situation on the merits and within the principles of GDPR and also child welfare, protection and safeguarding principles.

Please contact Brockington College via admin@brockington.leics.sch.uk should you wish to withdraw consent.

CCTV Policy

Please also see the CCTV and Information Security Policy.

We use CCTV and store images for a period of time in line with the CCTV policy. CCTV may be used for:-

- detection and prevention of crime
- Brockington College staff disciplinary procedures
- pupil behaviour and exclusion management processes
- to assist the school in complying with legal and regulatory obligations

Data Protection Officer (DPO)

We have a Data Protection Officer (DPO) whose role is to:

- inform and advise the controller or the processor and the employees who carry out processing of their obligations under the GDPR
- monitor compliance with the GDPR and DPA
- provide advice where requested about the data protection impact assessment and monitor its performance
- be the point of contact for data subjects, if there are concerns about data protection
- cooperate with the supervisory authority and manage the breach procedure
- advise about training and continued professional development for the GDPR

Our DPO is:

J A Walker, Solicitor
14 Forsells End
Houghton on the Hill
Leicestershire
LE7 9HQ

Physical Security

At Brockington College, every secure area has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, ie locked. Offices and cupboards that contain personal data should be secured if the processor is not present.

The Site Manager is responsible for authorising access to secure areas along with the Senior Leadership Team.

All members of staff, contractors and third parties who have control over lockable areas must take due care to prevent data breaches.

Secure Disposal

When disposal of items is necessary a suitable process must be used. This is to secure the data, to provide a process that does not enable data to be shared in error, by malicious or criminal intent.

These processes, when undertaken by a third party are subject to contractual conditions to ensure GDPR and DPA compliance.

Hardware is disposed / recycled by the Network Manager at Brockington College.

Hard copy files are destroyed by the relevant data processor at Brockington College.

Servers and hard drives are cleansed by the Network Manager at Brockington College.

Portable and removable storage are destroyed / cleaned/ recycled by the Network Manager at Brockington College.

Complaints & the Information Commissioner's Office (ICO)

The Brockington College Complaints Policy deals with complaints about data protection issues.

There is a right to complain if you feel that data has been shared without consent or lawful authority.

You can complain if you have asked to us to erase, rectify, not process data and we have not agreed to your request.

We will always try to resolve issues on an informal basis, and then through our formal complaints procedure. Please complete the form, and we will contact you with more details about the timescale and process.

In the UK it is the ICO that has responsibility for safeguarding and enforcing the DPA obligations. Email: casework@ico.org.uk. Helpline: 0303 123 1113. Website: www.ico.org.uk.

Review

A review of the effectiveness of GDPR compliance and processes will be conducted by the Data Protection Officer every 12/24 months.