



**FELLVIEW PRIMARY SCHOOL**

# **DATA PROTECTION POLICY**

## **2024-2026**

<b>Approved by</b>	
<b>Name:</b>	Libby Graham
<b>Position:</b>	Chair of Governors
<b>Signed:</b>	<i>EH Graham</i>
<b>Date:</b>	January 2024
<b>Proposed review date<sup>2</sup>:</b>	January 2026

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Original	March 2012
2	Minor changes to Privacy Notices	July 2012
3	Changes Highlighted.	November 2012
4	Reformatted only	February 2014
5	Updated to take account of the DfE model Privacy Notices issued July 2014. NOTE: Appendices C and D have been amalgamated.	July 2014
6	Minor revisions and contact detail changes only to Privacy Notices	July 2015
7	Updated Privacy Notices	December 2016
8	Updated Privacy Notices in line with the GDPR.	October 2017
9	Updated Privacy Notices to reflect DfE revised models published January 2018.	January 2018
10	Major re-write to comply with GDPR	May 2018
11	Major re-write incorporating changes in UK-GDPR and change of style following external appointment of DPO	November 2020
12	Update of pupil privacy notice and introduction of employee privacy notice	November 2020
13	Policy Review	November 2022
14	Policy Review	January 2024

## Contents

1. Introduction.....	4
2. Legislation.....	4
3. Registration.....	4
4. Data Protection Officer.....	4
5. Responsibilities.....	5
65 Training.....	5
76. Definitions.....	5
87. Data protection principles.....	6
98. Audit.....	6
109. Privacy notices.....	7
1110. Privacy impact assessments.....	7
1211. Use of data processors.....	7
1312. Rights of data subjects.....	8
1413. Procedures.....	8
1514. Record keeping.....	8
1615. Publication of documents.....	9

## 1. Introduction

This policy outlines the approach taken by Fellview Primary School & Nursery (the school) to ensure not only that we abide by all United Kingdom data protection legislation now and in the future, but that a feeling of openness and trust is built between all stakeholders with regard to the security of personal data processed by the school.

For the majority of its processing the school will be the data controller as determined by data protection legislation (Part 2, Chapter 2 of the Data Protection Act 2018 (DPA) and Article 4(7) of the UK-General Data Protection Regulation (UK-GDPR).

## 2. Legislation

Current legislation governing the use of personal data:

- United Kingdom General Data Protection Regulation (UKGDPR)
- Data Protection Act 2018 (DPA), including the law enforcement requirements (part 3)
- Freedom of Information Act 2000
- Education Act 1996
- Education (School Performance Information) (England) Regulations 2007
- School Information (England) Regulations 2008
- Education (Pupil Registration) (England) (Amendment) Regulations 2013

This list is not exhaustive.

## 3. Registration

Under the Data Protection (Charges and Information) Regulations 2018, individuals and organisations that process personal data need to pay a data protection fee to the Information Commissioner's Office (ICO), unless they are exempt.

It has been determined that the school is not exempt from paying this fee.

Current registration details state that Fellview Primary School is a public authority under the Freedom of Information Act 2000.

The school's ICO Registration Number is: Z5810665

Renewal of registration falls due on the 31<sup>st</sup> October each year and funds must be made available for paying the annual fee.

The ICO reminds the school in advance that the renewal fee is due. In the event that this does not happen it is the responsibility of the Data Protection Officer to ensure that registration is renewed on time.

Registration details will be checked at every renewal to ensure that they are accurate and up to date.

## 4. Data Protection Officer

The UK-GDPR introduces a duty to appoint a data protection officer (DPO) if you are a public authority or body, or if you carry out certain types of processing activities.

- Because the school is a public authority, it will appoint a DPO on an annual basis.
- The DPO will assist in monitoring internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority (ICO).
- The DPO must be independent, an expert in data protection, adequately resourced, and report to the Head Teacher
- The DPO can be an existing employee or externally appointed.
- The DPO will help the school demonstrate compliance and be part of its enhanced focus on accountability.

## 5. Responsibilities

The Headteacher has overall responsibility for ensuring that the school complies with data protection legislation. They will be informed and advised by the DPO.

All staff and Governors have individual responsibility to:

- Read, understand and follow all the school's information security policies and procedures
- Assist all data subjects to exercise their rights

## 6. Training

All employees, Governors and volunteers of the school will be trained in data protection and their responsibilities relating to information security.

Induction training should take place within 3 months of taking up a post and refresher training at no more than 2 yearly intervals.

The DPO or responsible person will undertake the training, or if this is not possible organise an alternative that is, in their opinion, fit for purpose.

The Headteacher may nominate any group or individual who would in their opinion benefit from additional training and this training should be delivered within one month of the nomination.

## 7. Definitions

For the purposes of data protection legislation:

**'personal data'** is anything that can identify a living human being.

**'data subject'** means an individual who is the subject of personal data.

**'data controller'** means a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed.

**'data processor'**, in relation to personal data means any person (other than an employee of the data controller) who processes the data on behalf of the data controller.

**‘processing’** in relation to information or data means anything at all that is done with the personal data – obtaining, recording or holding it or carrying out any operation or set of operations on it.

## 8. Data Protection Principles

The principles are the rules of data protection and the school must comply with them. The DPO will interpret them in accordance with legislative guidance and advise on their practical application.

They are that personal data be:

- a) processed lawfully, fairly and in a transparent manner in relation to individuals;
- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The Data Protection Act 2018 also specifies that personal data shall not be transferred outside the European Economic Area without appropriate safeguards. The UK-GDPR recognises all EEA/EU countries as ‘adequate’ and upholds existing safeguards for transfer that were in place prior to its introduction.

In addition Article 5(2) of the UK-GDPR requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

## 9. Audit

The UK-GDPR requires that an organisation records how personal data flows within it.

The school will undertake a data protection audit to determine this.

This audit will be a working document to be updated by the DPO or responsible person as appropriate.

It will be used by the DPO to assist in determining any actions that must be taken to comply with data protection regulations or improve on existing practices.

This document will be reviewed at least annually.

## **10. Privacy Notices**

The UK-GDPR specifies what individuals have a right to be informed about when you collect and use their personal data. Amongst other things you must tell people why you collect their data, who you share it with and how long you keep it for. Providing people with this information is a key element of the principle of transparency and can also help to build trust with individuals.

The school will produce a general privacy notice which will be available on its website and in paper form if it is requested. Applicants for employment, employees and volunteers will also be given privacy notices specific to them.

In addition, wherever and whenever additional personal data is collected there will be a privacy notice specific to the purpose for which the form is being used.

All the school's privacy notices will be reviewed at least annually.

## **11. Privacy impact assessments**

It is the duty of the school to undertake a privacy impact assessment if it is unclear whether any processing of personal data, on balance is harmful to the rights and freedoms of the data subjects, or before beginning any processing for a new purpose.

The Headteacher and DPO will decide if a privacy impact assessment is required for any processing.

If a privacy assessment indicates that it has not been possible to determine whether the processing is harmful to the rights and freedoms of the data subjects the matter will be referred to the ICO. Any decision made by the ICO regarding such processing will be binding.

## **12. Use of data processors**

Whenever the school uses a processor it will put a written contract in place.

The contract is important so that both parties understand their responsibilities and liabilities.

The school is liable for its compliance with the UK-GDPR and will only appoint processors who can provide 'sufficient guarantees' that the requirements of the UK-GDPR will be met and the rights of data subjects protected.

Processors must only act on the documented instructions of the school and penalties may be written into the contract in the event of a breach. They will however have some direct responsibilities under the UK-GDPR and may be subject to fines or other sanctions if they do not comply.

Where the school is a data processor the above provisions will apply to us.

## 13. Rights of data subjects

All data subjects, including children have the right to:

- be provided with a transparent and clear privacy notice which explains who you are and how their data will be processed.
- be given a copy of their personal data;
- have inaccurate personal data rectified and incomplete data completed;
- exercise the right to be forgotten and have personal data erased.
- restrict the processing in specified circumstances;
- data portability;
- object to processing carried out under the lawful bases of public task or legitimate interests, and for the purposes of direct marketing.
- not be subject to automated individual decision-making, including profiling which produces legal effects concerning him or her or similarly affects him or her; See
- complain to the ICO or another supervisory authority;
- appeal against a decision of a supervisory authority;
- bring legal proceedings against a controller or processor; and
- claim compensation from a controller or processor for any damage suffered as a result of their non-compliance with the GDPR.

All employees and Governors will assist data subjects if they wish to exercise any of their rights.

## 14. Procedures

There shall be procedures for all activities related to the processing of personal data by the school.

Currently these are:

- Data subject access request procedure
- Privacy impact assessment procedure
- Online safety procedures including use of images/photographs
- CCTV procedure
- Staff code of conduct
- Retention and disposal procedures

This list is not exhaustive and procedures may be added at any time.

There may be policies as well as procedures for these subjects

## 15. Record keeping

Article 5(2) of the UKGDPR requires that:

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”

In order to demonstrate compliance, the school will keep records of all processing of personal data.

This includes but is not limited to:

- Audit document
- Disclosure log
- List of data subjects' rights exercised
- Minutes of all meetings where data protection and information privacy are discussed

The school uses the Information Management Toolkit for Schools (May 2019)

It is the responsibility of all employees to ensure that records remain an accurate reflection of how they work with data.

## **16. Publication of documents**

The school, as a public authority under the Freedom of Information Act 2000 has a legal obligation to provide information through an approved publication scheme and in response to requests.

Under this scheme this policy, privacy notices and allied documents (e.g. the Information Management Toolkit for Schools) will be on the school's website and where appropriate will be made publicly available upon request and within school premises.