



## Joy Lane Foundation Primary School

### Data Protection Policy

Draft Prepared	March 2018
Date Agreed	23 <sup>rd</sup> April 2018
Signed by Executive Headteacher	Debra Hines
Signed by Chair of Governors	Philip Baldwin
Date Policy to be Reviewed:	March 2019

## **1. Statement of purpose**

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

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

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

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

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

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

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

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

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

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

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

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

### **3. Registration**

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

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

#### 4.1 Personal data shall be:

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

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

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

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

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

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

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

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

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

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

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

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

## 6. Individual's Rights

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

## 7. Data Protection Officer

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

Name:	SPS DPO Services
Email:	<a href="mailto:sps-dpo-services@systemsintegration.com">sps-dpo-services@systemsintegration.com</a>
Correspondence address:	SPS SPO Services ISystems Integration Devonshire House 29-31 Emlsfield Road Bromley, Kent BR1 1LT

The main duties of the DPO are:

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

## 8. Documentation

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

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

## 9. Privacy Notices

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

## 10. Impact Assessments

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

A DPIA will include:

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