

COLCHESTER COUNTY HIGH SCHOOL FOR GIRLS

A19 DATA PROTECTION POLICY

COMMITTEES	Personnel Committee & Curriculum & Student Matters Committee
CCHSG DATA PROTECTION LEAD	Lesley Pye Data & Administration Manager
CCHSG SENIOR INFORMATION RISK OFFICER (SIRO)	Suzanne Parrott Associate Principal
DATA PROTECTION OFFICER	Lauri Almond Information Governance Support Contactable via Essex County Council, 0333 013 9824
REVIEW	Annually
POLICY REVIEWED	November 2021
REVIEW DUE	November 2022
APPROVED BY THE GOVERNING BODY	November 2021

Contents

1. Aims	3
2. Legislation and guidance.....	3
3. Definitions	3
4. The data controller	5
5. Roles and responsibilities.....	5
6. Data protection principles.....	6
7. Collecting personal data.....	6
8. Sharing personal data	7
9. Subject access requests and other rights of individuals	8
10. Parental requests to see the educational record	10
11. Biometric recognition systems.....	11
12. CCTV	11
13. Photographs and videos.....	111
14. Data protection by design and default	133
15. Data security and storage of records.....	13
16. Disposal of records.....	14
17. Personal data breaches	14
18. Training	14
19. Monitoring and review arrangements	15
20. Links with other policies	15
Appendix I: Personal Data Breach Procedure	
Appendix II to VIII: Information Governance Framework Documents	

1. Aims

Our school aims to ensure that all personal data collected about staff, students, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the Information Commissioners Office (ICO) code of practice for subject access requests.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the Education (Student Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

In addition, this policy complies with the School Funding Agreement and Articles of Association.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data

	<ul style="list-style-type: none"> • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Special categories of personal data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
Data subject	<p>The identified or identifiable individual whose personal data is held or processed.</p>
Data controller	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>

Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The Data Controller

The school processes personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller.

The school is registered as a data controller with the Information Commissioners Office (ICO) and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Local Governing Board

The Local Governing Board has overall responsibility for ensuring that the school complies with all relevant data protection obligations.

5.2 Data Protection Officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The first point of contact for individuals whose data the school processes is the Data Protection Lead or Senior Information Risk Officer at the school. The school may then refer to the DPO for advice and support.

CCHSG DPO is Information Governance Support and is contactable via Essex County Council, 0333 013 9824.

5.3 Principal

The Principal acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address

6. Data Protection Principles

The GDPR is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

See Appendix III for the general rules applying to Data Protection Law.

7. Collecting Personal Data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with its legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions

- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a student) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to students, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the student is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule & records management policy.

8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law

- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff.

Where we transfer personal data to a country or territory outside the UK we will do so in accordance with data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, by letter or email, to the Data Protection Lead or SIRO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the Data Protection Lead.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students at our school may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO (telephone number 0303 123 1113 or via the ICO website (www.ico.org.uk)).

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred anywhere outside the UK
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the Data Protection Lead. If staff receive such a request, they must immediately forward it to the Data Protection Lead.

10. Parental requests to see the educational record

Students attending any type of school have a right of access under the Data Protection Act 2018 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf.

In academies, including free schools, and independent schools there is no automatic parental right of access to the educational record but the school may choose to provide this.

A request for an educational record must receive a response within 15 school days.

11. Biometric recognition systems

Where we use students' biometric data as part of an automated biometric recognition system (for example, students use finger prints to pay for school dinners instead of paying with cash), we will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and students have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those students. For example, students can pay for school meals by using a number code.

Parents/carers and students can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a student refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the student's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

12. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's code of practice for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the IT Manager.

13. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers, or students aged 18 and over, for photographs and videos to be taken of students for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

The above commitments apply to occasions where the school can exercise reasonable control of the situation, including events held outside the school organised by external providers. It is clearly not always possible to stipulate conditions for photography, for example in public places during school visits.

In fulfilling the above commitments, we may:

- a) ask parents and others to refrain from photography at events where we appoint an official photographer and make arrangements to supply copies of pictures/films to parents. We will give notice of this in invitations to the events and a notice will be displayed at the event;
- b) ask parents and others who wish to take photographs, where this is permitted, to do so without impairing the view of others. We will give notice of this in invitations.
- c) remind parents and students that photographs are for private use only.

If a parent wishes to see specific visual images of their daughter held by the school, they should make their request to the School Office. At busy times the school may take up to 10 working days to respond to the request.

Third parties will generally be under the same obligations as the school to obtain parental consent for the use and distribution of photographs.

See the Alpha Trust Safeguarding & Child Protection Policy (AT2), E-safety Policy (44) for more information on our use of photographs and videos.

14. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only process personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices).
 - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure.

15. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access

- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and students are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our E-Safety Policy and ICT Acceptable Use Agreements Policy 44)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8).

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of students eligible for the student premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about students

18. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary. An annual update will be provided for staff, usually at the start of the Autumn Term.

19. Monitoring and review arrangements

The Data Protection Lead and SIRO are responsible for monitoring and reviewing this policy. This policy will be reviewed annually and will be reviewed and updated if there are any statutory changes that affect the school's practice.

20. Links with other policies

This Data Protection Policy is linked to:

- AT2 Alpha Trust Safeguarding & Child Protection Policy
- A20 Freedom of information publication scheme
- 26 Code of Conduct
- 44 E-Safety Policy and ICT Acceptable Use Agreement
- 49 Photography in School

Appendix I: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the Data Protection Lead or SIRO
- The Data Protection Lead and SIRO will investigate the report, and determine whether a breach has occurred. To decide, they will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- The Data Protection Lead will alert the SIRO and Executive Principal who will inform the Chair of Governors
- The Data Protection Lead and SIRO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The Data Protection Lead and SIRO will assess the potential consequences, based on how serious they are, and how likely they are to happen. They may need to seek advice from the DPO.
- The Data Protection Lead and SIRO will work out whether the breach must be reported to the ICO, with advice from the DPO. This must be judged on a case-by-case basis. To decide, they will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned

If it is likely that there will be a risk to people's rights and freedoms, the Data Protection Lead must notify the ICO.

The Data Protection Lead will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored by the Data Protection Lead.

- Where the ICO must be notified, the Data Protection Lead will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the following will be set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the Data Protection Lead
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the Data Protection Lead will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when they expect to have further information. The Data Protection Lead will submit the remaining information as soon as possible
- The Data Protection Lead and SIRO will assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. They may need to seek advice from the DPO. If the risk is high, the Data Protection Lead will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - The name and contact details of the Data Protection Lead and DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The Data Protection Lead will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The Data Protection Lead will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects

- Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored by the Data Protection Lead.

The Data Protection Lead and Principal will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible after the event.

Breaches of Information Policies will always be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against the staff member responsible.

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records) for example:

- *If special category data (sensitive information) is accidentally made available via email to un-authorised individuals, the sender must attempt to recall the email as soon as they become aware of the error*
- *Members of staff who receive personal data sent in error must alert the sender and the Data Protection Lead as soon as they become aware of the error*
- *If the sender is unavailable or cannot recall the email for any reason, the Data Protection Lead will ask the IT Department to recall it*
- *In any cases where the recall is unsuccessful, the Data Protection Lead will contact the relevant un-authorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way*
- *The Data Protection Lead will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request*
- *The Data Protection Lead will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted*

Other examples of breaches which will need mitigating action

- *Non-anonymised student exam results or staff pay information being shared with school governors*
- *A school laptop containing non-encrypted sensitive personal data being stolen or hacked*
- *The school's cashless payment provider being hacked and parents' financial details stolen.*

Appendix II to Appendix VIII Information Governance Framework

The school follows the Information Governance Framework, and therefore has adopted the following policies and strategies associated with this scheme, as Appendices to our Data Protection Policy

Appendix II	Data Protection Policy Statement (for publication on school website)
Appendix III	Data Protection Policy – General Rules
Appendix IV	Statutory Requests For Information Policy
Appendix V	Acceptable Personal Use of Resources and Assets Policy
Appendix VI	Data Handling Security Policy
Appendix VII	Security Incidents Policy
Appendix VIII	Records Management Policy
Appendix IX	Biometrics Policy