

# Giffards Primary School

## Data Protection Policy

Data Processing Officer

Mr Richard Betts\_\_\_\_\_

School Data Processing Lead

Headteacher\_\_\_\_\_

School lead for this policy:	Sue Bryant
Committee with oversight for this policy	FGB
Policy last reviewed	Autumn Term 2022
Date for next review	Autumn Term 2025
Signed –chair of Governors	<i>Mr D Stubbings</i>
Signed - Headteacher	Mrs N Haslam-Davis

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### Introduction

The School needs to keep information about our pupils, staff and other users to allow us to follow our legal and statutory duties as well as to provide other services.

The school will comply with the data protection principles which are set out in the UK General Data Protection Regulations/Data Protection Act and other relevant laws.

### The Data Controller and the Designated Data Controllers

The School, as a body, is the Data Controller.

The School has identified its designated Data Processing Officer (DPO) who will deal with matters detailed in appendix A.

Other day to day matters will be dealt with by The Data Protection Lead officers; The Headteacher, Asst Headteachers and the Senior Administrator.

### Responsibilities of the School

The school is committed to protecting and respecting the confidentiality of sensitive and personal information relating to staff, pupils, parents/carers and governors. This implies that:

- a) all systems that involve personal data or confidential information will be examined to see that they comply with the General Data Protection Regulations;
- b) the School will inform all users about their rights regarding data protection;
- c) the School will provide regular training to ensure that staff know their responsibilities;
- d) the School will monitor its data protection and information security processes on a regular basis, changing practices where necessary.

### Responsibilities of Staff

All staff are responsible for checking that any information that they provide to the School is accurate and up to date.

All staff are also responsible for ensuring that any personal data they use in the process of completing their role:

- a) is not in the view of others when being used;
- b) is kept securely in a locked filing cabinet or drawer when not being used;
- c) be password protected both on a local hard drive and on a network drive that is regularly backed up – all Windows 10 devices have encryption enabled;
- d) if using a USB memory stick or other removable storage media (not recommended and highly discouraged), the device MUST be password protected and encrypted. The device must be kept in a locked filing cabinet, drawer, or safe when not in use. The data held on these devices must be backed up regularly;
- e) will not keep personal or sensitive data on USB memory sticks or other removable storage media at any time;
- f) when data is being transferred outside of the School secure file transfer protocol (FTP) must be used and
- g) is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure or transgression of the above statements could be considered a disciplinary matter.

#### Responsibilities of Parents/Carers

The School will inform the Parents/Carers of the importance of, and how to make any changes or deletions to, personal data. This includes an annual data collection sheet with the return of this document being recorded.

Other permissions will also be sought regarding matters of non-statutory use of personal data such as the use of images and use of names in publicity materials on induction, annually or when required. The returns to these permissions will be recorded and exemptions communicated to staff.

#### Rights to Access Information

All people having personal data stored by the School have the rights to:

- a) obtain from the School confirmation as to whether personal data concerning that person are being processed, and, where that is the case, access to the personal data and the following information:
  - (i) the purposes of the processing;
  - (ii) the categories of personal data concerned;
  - (iii) the recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
  - (iv) where possible, the period for which the personal data will be stored, or, if different, the criteria used to determine said period;
  - (v) the existence of the right to request from the School rectification or erasure of personal data or restriction of processing of personal data concerning the data subject or to object to such processing, known as ‘Right to be Forgotten’;
  - (vi) the right to lodge a complaint with a supervisory authority;
  - (vii) where the personal data is not collected from the data subject, any available information as to its source and
  - (viii) the existence of automated decision-making, including profiling, and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
- b) the data subject shall have the right to be informed of the appropriate safeguards relating to a transfer, where personal data is transferred to a third country or to an international organisation.

- c) have a copy of the personal data undergoing processing. For any further copies requested by the data subject, the School may charge a reasonable fee based on administrative costs. Where the data subject makes the request by electronic means, and unless otherwise requested by the data subject, the information shall be provided in a commonly used electronic form.
- d) obtain a copy referred to in paragraph c) shall not adversely affect the rights and freedoms of others.

The School will place Privacy Notices on its website regarding the personal data held and the reasons for which it is processed.

All staff, parents/carers and other users have a right to ask to view personal data being kept about them or their child called a Subject Access Request. See Appendix C for form to be completed. Any person who wishes to exercise this right should make a request in writing and submit it to the Headteacher. The process for dealing with these requests is outlined in Appendix B.

The School aims to comply with requests for access to personal information as quickly as possible and in compliance with advice from the Information Commissioner's Office (ICO) and other professional agencies. There may be an administration charge if the request is seen as manifestly unfounded or excessive, or if an individual requests further copies of their data. This will be confirmed once the enquiry is made.

There is a separate policy for the processing of Freedom of Information requests.

#### Data Breaches

If there is a Data Breach the School will inform the DPO who will then advise on any actions. See Appendix D for a Data Breach form.

Any Data Breaches will be recorded, comprising the facts relating to the personal data breach, its effects and the remedial action taken.

If there are risk to the individual the School will communicate the breach to the data subjects.

In the case of a personal data breach where there is a high risk to the rights and freedoms of the data subject, the DPO shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority.

#### Reporting policy incidents

Any member of staff, parent/carers or other individual who considers that this Policy has not been followed in respect of personal data about that person or their child should raise the matter with the Head Teacher, in the first instance. Alternatively, they could contact the DPO directly.

#### Monitoring and Evaluation

This policy will be monitored and reviewed in line with the School's policy review procedure.

## Appendix A – Role of Data Processing Officer (DPO)

According to GDPR Article 37(5), the DPO, who can be a staff member or contractor, shall be designated on the basis of professional qualities and, in particular, expert knowledge of data protection law and practices and the ability to fulfil the tasks referred to in GDPR Article 39. These are:

- to inform and advise the controller or the processor and the employees who are processing personal data of their obligations pursuant to this Regulation;
- to monitor compliance with this Regulation, including the assignment of responsibilities, awareness- raising and training of staff involved in the processing operations, and the related audits;
- to provide advice where requested about the data protection impact assessment and monitor its performance pursuant to GDPR Article 35;
- to cooperate with the supervisory authority (the ICO in the UK) and
- to act as the contact point for the supervisory authority on issues related to the processing of personal data.

## Appendix B – Process for dealing with Subject Access Request or request for change or deletion of data

On receiving a Subject Access Request or request for change or deletion of data the School will:

- inform the Data Protection Lead in the school;
- record the details of the request, updating this record where necessary;
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- make contact with the DPO if clarity on the request is needed or procedure is needed;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no ‘bleeding’ of data and
- ask the requestor for an address and time for delivery.

The whole process should take no longer than 30 calendar days, which can be extended by a further 2 calendar months where the request is complex or where there are numerous requests. An extension of up to one calendar month can be granted if a school closure period is scheduled to occur during the initial month response time.

# Giffards Primary School

Queen Elizabeth Drive Corringham Essex SS17 7TG

Headteacher Mrs N Haslam-Davis  
 Telephone 01375 672138  
 Fax 01375 677083  
 Website www.giffardsprimary.thurrock.sch.uk



**‘Valuing Everyone As Learners’**

**Subject Access Request**

Name of data subject: \_\_\_\_\_

Name of person who made request: \_\_\_\_\_

Date request received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Contact DPO: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Date acknowledgement sent: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Name of person dealing with request: \_\_\_\_\_

	Notes – please see grey suggestions but complete as necessary with relevant information
Are they entitled to the data?	If no reply stating reasons and/or ask for proof
Do you understand what data they are asking for?	If no ask requestor for clarity
Identify the data	What data sources, where they are kept
Collect the data required	You may need to ask others – state a deadline in your request.
Do you own all the data?	If no ask third parties to release external data. If data is supplied by another agency such as Psychology Service you do not own the data.
Do you need to exempt/redact data?	If exempting/redacting be clear of your reasons Document name, data exempted/redacted, why.
Is the data going to be ready in time?	Record delays and reasons. Communicate with requestor stating reason for delay and asking if they would like the data you have collected so far.
Create pack	Make sure that the data is in an easy to access format: paper, word, excel etc.
Inform requestor you have the data	Ask them how they would like it delivered
Deliver data	Ask for confirmation/special delivery?

At all stages your DPO or Data Protection lead will be able to provide you with advice.

Date request completed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 (within 30 days of request)

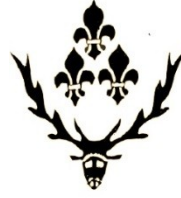
Signed off by: \_\_\_\_\_

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Queen Elizabeth Drive Corringham Essex SS17 7TG

Headteacher  
Telephone  
Fax  
Website

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## **Data Protection Breach Record**

Date:     /     /	Person responsible for dealing with breach:					
Outline of breach						
Which data subjects are involved						
Data type involved						
Reported by						
Phone/email sent to DPO	y/n	Is this high risk?	y/n	Report to ICO	y/n	
Date reported to data subjects						
Actions taken						
Preventative action suggestions – including training						
Notes						
Actions approved by				Date	/     /	