



# DATA PROTECTION POLICY

<b>Reviewed by:</b>	Full Trust Board
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<b>Date Approved:</b>	22 October 2025
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<b>Review Frequency:</b>	Annually
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<b>Next Review Date:</b>	October 2026
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## Contents

1. Aims.....	2
2. Legislation and guidance.....	2
3. Definitions .....	3
4. The data controller.....	4
5. Roles and responsibilities.....	4
6. Data protection principles.....	5
7. Collecting personal data .....	5
8. Sharing personal data.....	7
9. Subject access requests and other rights of individuals .....	7
10. CCTV .....	9
11. Photographs and videos.....	9
12. Artificial intelligence (AI) .....	9
13. Biometric Data use on school devices .....	10
14. Data protection by design and default .....	10
15. Data security and storage of records.....	10
16. Disposal of records .....	11
17. Personal data breaches.....	11
18. Training .....	11
19. Monitoring arrangements .....	12
20. Links with other policies.....	12
Appendix 1: Personal data breach procedure.....	13

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## 1. Aims

Our Trust aims to ensure that all personal data collected about staff, pupils, parents and carers, governors, visitors and other individuals is collected, stored and processed in accordance with UK data protection law.

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:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)
- [Data Protection Act 2018 \(DPA 2018\)](#)

It is based on guidance published by the Information Commissioner’s Office (ICO) on the [UK GDPR](#) and guidance from the Department for Education (DfE) on [Generative artificial intelligence in education](#).

It also reflects the ICO’s [guidance](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with our funding agreement and articles of association.

### 3. Definitions

TERM	DEFINITION
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, living individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"> <li>➤ Name (including initials)</li> <li>➤ Identification number</li> <li>➤ Location data</li> <li>➤ Online identifier, such as a username</li> </ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<b>Special categories of personal data</b>	<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"> <li>➤ Racial or ethnic origin</li> <li>➤ Political opinions</li> <li>➤ Religious or philosophical beliefs</li> <li>➤ Trade union membership</li> <li>➤ Genetics</li> <li>➤ Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li> <li>➤ Health – physical or mental</li> <li>➤ Sex life or sexual orientation</li> </ul>
<b>Processing</b>	<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>
<b>Data subject</b>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<b>Data controller</b>	<p>A person or organisation that determines the purposes and the means of processing personal data.</p>
<b>Data processor</b>	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
<b>Personal data breach</b>	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.</p>

#### **4. The data controller**

Our Trust processes personal data relating to parents and carers, pupils, staff, governors, visitors and others, and therefore is a data controller.

The Trust is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

#### **5. Roles and responsibilities**

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

##### **5.1 Trust board**

The Trust board has overall responsibility for ensuring that our Trust complies with all relevant data protection obligations.

##### **5.2 Data protection officer (DPO)**

As a public body, we are required to appoint a Data Protection Officer (DPO). The DPO role is fulfilled by Tracey Riches, Clear 7 Consultancy and is contactable via email [dpo@campfiretrust.co.uk](mailto:dpo@campfiretrust.co.uk)

The role of the DPO is to:

- Inform and advise the trust and the employees about obligations to comply with all
- relevant data protection laws.
- Monitor compliance with the relevant data protection laws.
- Be the first point of contact for supervisory authorities.
- Coordinate training on data protection for all key stakeholders.

##### **5.3 Data Protection leads**

The Data Protection Leads in the central team and each school are responsible for the day-to-day implementation of this policy. The Headteacher has overall responsibility in each school, or the deputy in their absence. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data. The Headteacher 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
- Contacting the DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the UK

- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

## 6. Data protection principles

The UK GDPR is based on data protection principles that our Trust 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 Trust aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have 1 of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust can **fulfil a contract** with the individual, or the individual has asked the Trust to take specific steps before entering into a contract
- The data needs to be processed so that the Trust can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual or another person i.e. to protect someone's life
- The data needs to be processed so that the Trust, as a public authority, can **perform a task in the public interest or exercise its official authority**
- The data needs to be processed for the **legitimate interests** of the Trust (where the processing is not for any tasks the Trust performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
- The individual (or their parent/carers when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet 1 of the special category conditions for processing under data protection law:

- The individual (or their parent/carers when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**

- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

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

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

## 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 to do their jobs.

We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate.

In addition, 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 Trust's record retention schedule.

## 8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will consider our lawful purpose before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
  - Only appoint suppliers or contractors that can provide sufficient guarantees that they comply with UK data protection law
  - Establish a contract with the supplier or contractor 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

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

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 pupils or staff.

Where we transfer personal data internationally, we will do so in accordance with UK 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 request a copy of the personal information that we hold about them. To help individuals exercise this right, the Information Commissioners' Office has an online form: [Make your subject access request | ICO](#).

We ask that Subject Access Requests (SARs) are made using this form so that we can ensure that we provide the information you would like. However SARs can also be made verbally or by letter or email.

If staff receive a subject access request in any form they must immediately forward it to the school Data Protection Lead who will liaise with the DPO.

### 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 below the age of 12 are generally not 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 pupils within our Trust may be granted without the express permission of the pupil. This is not a rule and a pupil'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 (or receipt of the additional information needed to confirm identity, where relevant)
- 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 may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will consider whether the request is repetitive in nature when making this decision.

The Information Commissioner's Office provides some helpful information: [Why organisations might partially or fully refuse a subject access request | ICO](#)

When we refuse a request, we will usually explain why. We will explain how to challenge our decision, the right to complain to the ICO and the option to seek to enforce their subject access right through the courts.

#### **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 (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing that has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- 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 DPO. If staff receive such a request, they must immediately forward it to the DPO.



## 10. CCTV

We use CCTV at Bourton Meadow Academy, George Grenville Academy, Lace Hill Academy and Moorland Primary School and where this is in place there is clear signage. The purpose of CCTV is to reduce crime and monitor the school buildings to provide a safe and secure environment for pupils, staff and visitors, and to prevent loss or damage to school property. We will follow the [ICO's guidance](#) for the use of CCTV, and comply with data protection principles.

The Trust has a CCTV policy in place which documents:

- why CCTV is used
- where cameras are sited
- whether covert monitoring is undertaken
- how long images are retained for
- who has access to the images.

## 11. Photographs and videos

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

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

Where the Trust/School takes photographs and videos, 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 Trust/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.

See our Use of Photos, Videos and Display Boards Policy for more information on our use of photographs and videos.

## 12. Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. Campfire Education Trust recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, Campfire Education Trust will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

### **13. Biometric Data use on school devices**

Biometric data (such as facial recognition or fingerprint data) may be used to secure laptops and mobile telephones issued to employees for business use. This data is stored locally on the device and is used solely to authenticate the assigned employee and prevent unauthorised access.

All such devices are encrypted to safeguard both business and personal data. Biometric data is not transmitted to or stored on central servers, and is automatically deleted from the device when it is reset or returned at the end of employment

### **14. Data protection by design and default**

We will put measures in place to show that we have integrated data protection into all 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 processing 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 data protection impact assessments where the Trust'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
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our Trust 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, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, 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, 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 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are advised to follow NCSC guidelines of 3 random words and reminded that they should not reuse passwords from other sites.
- Email accounts must have a strong unique password. 2FA must be implemented where available
- Encryption software is used to protect all portable devices and removable media, such as laptops. USBs are not permitted at Campfire Education Trust.
- Staff, pupils 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 Acceptable Use Policy)
- 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 Trust'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 Trust will make all reasonable endeavours to ensure that there are no personal data breaches.

In the 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 after becoming aware of it. Such breaches in a school context may include, but are not limited to:

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

## **18. Training**

All staff and governors are provided with data protection training as part of their induction process. Refresher training takes place annually and a central training record is maintained.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

### **19. Monitoring arrangements**

The Trust DPL is responsible for monitoring and reviewing this policy in conjunction with the DPO.

This policy will be reviewed annually and approved by the full governing board.

### **20. Links with other policies**

This data protection policy is linked to our:

- Freedom of Information Policy
- ICT and Internet Acceptable Use Policy
- CCTV Use Policy
- Use of Photos, Videos and Display Boards Policy
- Child Protection Policy
- Privacy Notices

## Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach or potential breach, the staff member, governor or data processor must immediately notify the school data protection lead (DPL). The DPL will liaise with our data protection officer (DPO) Tracey Riches of Clear 7 Consultancy, who will confirm next steps and who is responsible for notifying the ICO.
- The DPO will investigate the report and determine whether a breach has occurred. To decide, the DPO 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
- Staff and governors will co-operate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the headteacher, who will in turn alert the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure)
- The DPO will assess the potential consequences (based on how serious they are and how likely they are to happen) before and after the implementation of steps to mitigate the consequences
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's [self-assessment tool](#)
- The DPO will document the decisions (either way) in case the decisions are challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored with Clear 7 Consultancy.
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page](#) of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of the school's awareness of the breach. As required, the DPO will 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 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 breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
  - A description, in clear and plain language, of the nature of the personal data breach
  - The name and contact details of the 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 DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO 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 with Clear 7 Consultancy

- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO will assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches