



## Data Protection Policy

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Cycle: Two Years

Version: 2.0



## **St Francis Catholic Multi Academy Trust Data Protection Policy**

St Francis Catholic Multi Academy Trust and our academies are committed to working effectively to provide a secure environment to protect data that we hold and store. Whilst there is a statutory duty that is important, the fact that we store data about individuals means that we are responsible for your data and we take that very seriously. This policy, and the Privacy Notices, sets out how we look after and use data.

Each school will be responsible for the day-to-day management of data that is held about pupils, staff, parents, carers and other individuals in connection with that school.

The trust central team are responsible for data held centrally about individuals. Where we use the phrase 'we' that refers to the trust and the individual schools.

### **What is the General Data Protection Regulation (UK GDPR)?**

This is a European Directive that was brought into UK law with an updated Data Protection Act 2018 (DPA) in May 2018. It was brought into line with changes to the UK leaving the EU on 31 December 2020.

The UK GDPR and DPA 2018 exist to look after individuals' data. It is a series of safeguards for every individual. Information about individuals needs to be treated with respect and be secure.

The UK GDPR exists to protect individual rights in an increasingly digital world.

**This policy is informed by guidance from the Information Commissioner's Office (ICO) and the Department for Education (DfE), which is referenced throughout and available on our website.**

### **Who Does It Apply To?**

Everyone, including schools. As 'Public Bodies' schools and trusts have more obligations than some small businesses. It is mandatory to comply with the UK GDPR and provisions in the Data Protection Act 2018.

We want to make sure information about pupils, parents, staff and volunteers is kept secure and within the law.

### **What is Data?**

Any information that relates to a living person that identifies them. This can be by name, address or phone number for example. It also relates to details about that person, which can include opinions.



Some data is considered to be more sensitive, and therefore more important to protect. This is information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life and sexual orientation, genetic data, and biometric data where processed to uniquely identify a person.

Schools often collect sensitive data for DfE and LA requirements and of course pupil data may contain information about safeguarding, SEN or health needs. Information about other family members may also be on the school file.

Privacy Notices that explain how data about specific groups or activities is used and stored are also available. These can be obtained from the Trust website and navigated from the individual academy's website using the published direct link to the Trust's UK GDPR page. **Privacy Notices are reviewed annually and updated as necessary to reflect current processing activities and legal requirements.**

#### **What Are The Key Principles Of The UK GDPR? Lawfulness, Transparency & Fairness**

Schools must have a legitimate reason to hold the data, we explain this in the Data Privacy Notices. We often ask for consent to use data about a pupil for a particular purpose. If you wish to withdraw consent you may do so at any time by contacting a member of the school faculty. We may ask you to complete a form to clarify your request. There are sometimes when you cannot withdraw consent as explained in 'Data Subjects' Rights'.

#### **Collect Data For A Specific Purpose & Use It For That Purpose**

Data cannot be used for a purpose that it was not originally collected for, or where notice has not been given about how data may be used after collection.

#### **Limited Collection**

Data Controllers should only collect the minimum amount of data needed for a particular task or reason. If there is a breach or a hack only limited information can be lost.

#### **Accuracy**



Data collected should be accurate, and steps should be taken to check and confirm accuracy. This is done when pupils join the school and is reviewed on an annual basis.

If a Data Subject feels that the information held is inaccurate, should no longer be held by the Controller or should not be held by the Controller in any event, a dispute resolution process and complaint process can be accessed, using the suitable forms. Initially an approach should be made directly to the individual school.

### **Retention**

A retention policy in line with statutory requirements is in place that governs how long records are held for.

### **Security**

We have processes in place to keep data safe. That might be paper files, electronic records or other information. Please see Acceptable Use Policy.

### **Who Is A 'Data Subject'?**

A data subject is defined as any individual person who can be identified, directly or indirectly, via an identifier such as a name, an ID number, location data, or via factors specific to the person's physical, physiological, genetic, mental, economic, cultural or social identity. **This includes online identifiers and pseudonymised data where the individual can still be identified.**

### **Data Subjects' Rights**

Individuals have a right:-

- to be informed
- of access to data stored about them or their children
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for school to keep the data
- to restrict processing, i.e. to limit what is done with their data
- to object to data being shared or collected

There are other rights that relate to automated decision making and data portability that are not directly relevant in schools.

**For portability** - Data subjects have the right to receive the data held about them or request their data is transferred to another location in a commonly used format.



**For the right to object (to automated decision making)** - Data subjects have the right to object to their data being processed, including profiling by electronic means when on relevant grounds.

Data subjects' rights are also subject to child protection and safeguarding concerns and sharing information for the prevention and detection of crime. Schools also have legal and contractual obligations to share information with organisations such as the Department for Education, Social Care, the Local Authority and HMRC amongst others. In some cases these obligations override individual rights.

These Data Subject's Rights are set out in more detail in the document 'My Rights – A Guide for Data Subjects'.

### **Subject Access Requests**

You can ask for copies of information that we hold about you or a pupil (who you have parental responsibility for). This Subject Access Request process is set out separately. A data subject can make a SAR verbally (face to face or via telephone) or electronically (i.e. via email, or direct message on any social media app) and you may need to provide identification evidence for us to process the request.

We have to provide the information within 30 days, but this can be extended by a further 60 days if the request is complicated or the data cannot be accessed.

When we receive a request, we may ask you to be more specific about the information that you require. This is to refine any queries to make sure you access what you need, rather than sometimes getting a lot of information that may not be relevant to your query.

In some cases, we cannot share all information we hold on file if there are contractual, legal or regulatory reasons.

We cannot release information provided by a third party without their consent, or in some cases you may be better to approach them directly, e.g. school nurses who are employed by the NHS.

We will usually supply the information in the same format that the request was made in unless otherwise specified by the data subject. Once a copy of a data subject's information has been provided the Trust may choose to charge a reasonable fee for further copies if they are requested.

If you wish to complain about the process, please see our Complaints Policy and later information in this DPA policy.



### Who is a 'Data Controller'?

The Academy Trust is the Data Controller. They have ultimate responsibility for how the schools and Trust Central Team manage data. They delegate this processing to individuals to act on their behalf, that is the trust central team and the relevant school staff in each setting.

The Data Controller can also have contracts and agreements in place with outside agencies who are data processors. **All third-party data processors are subject to written contracts that specify their UK GDPR obligations and require regular due diligence checks and contract reviews.**

### Who is a 'Data Processor'?

This is a person or organisation that uses, collects, accesses or amends the data that the controller has collected or authorised to be collected. It can be a member of staff, a third-party company, possibly a governor, a contractor or temporary employee. It can also be another organisation such as the police or the Local Authority.

Data Controllers must make sure that Data Processors are as careful about the data as the controller themselves. The UK GDPR places additional obligations on organisations to make sure that Data Controllers require contractual agreements to ensure that this is the case.

### Processing Data

The Trust and the schools must have a reason to process the data about an individual. Our Privacy Notices set out how we use data. The UK GDPR has 6 conditions for lawful processing and any time we process data relating to an individual it is within one of those conditions.

If there is a data breach we have a separate policy and procedure to follow to take immediate action to remedy the situation as quickly as possible. **All staff are required to report suspected breaches immediately to the Data Protection Officer (DPO), who will assess the risk and notify the ICO within 72 hours if the breach is likely to result in a risk to individuals' rights and freedoms.**

The legal basis and authority for collecting and processing data in school are:-



- Consent obtained from the data subject or their parent
- Performance of a contract where the data subject is a party
- Compliance with a legal obligation
- To protect the vital interests of the data subject or other associated person
- To carry out the processing that is in the public interest and/or official authority
- It is necessary for the legitimate interests of the data controller or third party in accordance with national law

In addition, any special categories of personal data are processed on the grounds of

- Explicit consent from the data subject or about their child
- Necessary to comply with employment rights or obligations
- Protection of the vital interests of the data subject or associated person
- Being necessary to comply with the legitimate activities of the school existing personal data that has been made public by the data subject and is no longer confidential
- Bringing or defending legal claims
- Safeguarding
- National laws in terms of processing genetic, biometric or health data

Processing data is recorded within the academy systems.

### **Data Sharing**

Data sharing is done within the limits set by the UK GDPR. Guidance from the Department for Education, health, the police, local authorities and other specialist organisations may be used to determine whether data is shared.

The basis for sharing or not sharing data is recorded in school and **all external data sharing is governed by formal data sharing agreements.**

### Breaches & Non Compliance

If there is non compliance with the policy or processes, or there is a DPA breach as described within the UK GDPR and DPA 2018 then the guidance set out in the Breach & Non Compliance Procedure and Process needs to be followed.

Protecting data and maintaining Data Subjects' rights is the purpose of this policy and associated procedures.



## **Consent**

As a trust, where required, we will seek consent from staff, volunteers, young people, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required.

Consent is defined by the UK GDPR as “any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”.

We may seek consent from young people also, and this will be dependent on the child and the reason for processing. **For children under the age of 13, parental consent is required unless there is a statutory or regulatory basis for processing.**

This will largely be managed in individual academies.

## **Consent & Renewal**

On the Trust websites we have 'Privacy Notices' that explain how data is collected and used. It is important to read those notices as it explains how data is used in detail.

Obtaining clear consent, where required, and ensuring that the consent remains in place is important for school. We also want to ensure the accuracy of that information.

## **For Pupils & Parents/Carers**

On joining the school you will be asked to complete a form giving next of kin details, emergency contact and other essential information. We will also ask you to give consent to use the information for other in-school purposes, as set out on the data collection/consent form.

The contact and consent form is reviewed on an annual basis. It is important to inform school if details or your decision about consent changes. You may withdraw consent at any time, however for clarity we may ask that you complete a form to do this. It is the obligation of each individual to notify the school of changes.

## **Pupil Consent Procedure**

Where processing relates to a child under 13 years old, school will obtain the consent from a person who has parental responsibility for the child as required.



Pupils may be asked to give consent or to be consulted about how their data is obtained, shared and used in certain situations.

### **Withdrawal of Consent**

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent the school will consider each situation on the merits and within the principles of UK GDPR and also child welfare, protection and safeguarding principles.

Consent may be withdrawn verbally however for evidential purposes you may be asked to complete the appropriate form located on the individual academy websites.

### **CCTV Policy**

Please also see the CCTV and IT Security policy. We use CCTV and store images for a period of time in line with the policy. CCTV may be used for:-

- Detection and prevention of crime
- School staff disciplinary procedures
- Pupil behaviour and exclusion management processes
- To assist the school in complying with legal and regulatory obligations

### **Data Protection Officer**

We have a Data Protection Officer whose role is:-

- To inform and advise the controller or the processor and the employees who carry out processing of their obligations under the UK GDPR
- To monitor compliance with the UK GDPR and DPA
- To provide advice where requested about the data protection impact assessment and monitor its performance



- To be the point of contact for Data Subjects if there are concerns about data protection
- To co-operate with the supervisory authority and manage the breach procedure
- To advise about training and CPD for the UK GDPR



Our DPO is Ben Cain whose contact details are:

**Address:**

Fusion Education People Services First Floor, Unit A  
Cedar Court Office Park Denby Dale Road  
Wakefield WF4 3FU  
Tel: 01924 907319

Email: [dpo@feprs.co.uk](mailto:dpo@feprs.co.uk)

**Physical Security**

As a trust we are obliged to have appropriate security measures in place.

In school, every secure area has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, i.e. locked. Offices and cupboards that contain personal data should be secured if the processor is not present.

The Premises Manager/Supervisor is responsible for authorising access to secure areas along with SLT/Business Manager.

All Staff, contractors and third parties who have control over lockable areas must take due care to prevent data breaches.

All sites and locations need to have the suitable security and review measures in place.

**Secure Disposal**

When disposal of items is necessary a suitable process must be used. This is to secure the data, to provide a process that does not enable data to be shared in error, by malicious or criminal intent.

These processes, when undertaken by a third party are subject to contractual conditions to ensure UK GDPR and DPA compliance. **Secure disposal methods for both paper and electronic records are detailed in our retention and disposal policy, including shredding and secure deletion.**

**Complaints & the Information Commissioner Office (ICO)**

The school Complaint Policy deals with complaints about Data Protection issues.

There is a right to complain if you feel that data has been shared without consent or lawful authority.



You can complain if you have asked to us to erase, rectify, or not process data and we have not agreed to your request.

We will always try to resolve issues on an informal basis, and then through our formal complaints procedure. Please complete the form, and we will contact you with more details about the timescale and process.

In the UK it is the ICO who has responsibility for safeguarding and enforcing the DPA obligations. Email: [casework@ico.org.uk](mailto:caserwork@ico.org.uk) Helpline: 0303 123 1113 web: [www.ico.org.uk](http://www.ico.org.uk)

### **Review**

A review of the effectiveness of UK GDPR compliance and processes will be conducted by the Data Protection Officer every two years. The next review will be undertaken in September 2027.