

Austen House School

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| **Data Protection and the General Data Protection Regulation (GDPR)** |

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| Date | Review Date | Data Protection Officer | Executive Regional Head Teacher | Director of Education |
| **12.11.2022** | **Oct 2023** | **Robert Wassall** | **Cerasela Raducanescu** | **Eve Bartlet** |

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school, and is related to the following legislation:

* Equality Act 2010
* General Data Protection Regulations 2018

The following documentation is also related to this policy:

* Equality Act 2010: Advice for Schools (DfE)
* Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)
* Preparing for the General Data Protection Regulation (GDPR) - Information Commissioner's Office

We are aware that the General Data Protection Regulations (GDPR) will entirely replace the current Data Protection Act (DPA) by making radical changes to many existing data protection rules and regulations that schools, academies, and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We have the duty to ensure that we comply with this new regulation by considering the impact that the GDPR will have on this school and to ensure new policies and procedures are in place before the GDPR comes into effect.

We believe that we comply with the current DPA, and we realise that many of the GDPR's main concepts and principles are much the same as those in the DPA. We are aware that there are new elements, significant improvements, and new accountability that we need to address for the first time. We understand that under the GDPR:

* Data management is strengthened and unified.
* It will become illegal not to have a formal contract or service level agreement with a chosen data processor (Awareness Software Ltd).
* The data processor must be GDPR compliant.
* There will be higher penalties for non-compliance with the GDPR.
* Data breaches must be reported within 72 hours;
* Individuals have greater control over their personal data.

We are committed to the protection of all personal and sensitive data for which we hold responsibility as the Data Controller. We believe the handling of such data is in line with the data protection principles and that access to such data does not breach the rights of the individuals to who it relates.

We acknowledge the GDPR's definition of personal data as 'meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier' such as name, identification number, location data, or an online identifier. It applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria.

The GDPR refers to sensitive personal data as "special categories of personal data," including genetic data and biometric data. Such data is processed to identify an individual uniquely by using fingerprints, face recognition, or eye screening.

At all times, we ensure the principles of the DPA are applied and that all data is:

* processed lawfully;
* obtained and processed for specific and lawful purposes;
* sufficient, appropriate, and not excessive in relation to the precise purpose;
* accurate and up to date;
* not kept for a great length of time;
* processed in agreement with the individual's legal rights;
* protected against unlawful processing, accidental loss, destruction, or damage;
* not to be transferred outside the EU unless the rights and freedom of the individual are protected.

We have the responsibility to ensure that all changes to data protection legislation will be monitored and implemented to remain compliant with all requirements. All school personnel will attend training to be made aware of data protection policies and legal requirements. All contracted service providers will also be notified of our data protection policies and legal requirements.

In preparation for full compliance with the General Data Protection Regulation, we have used the 12-step guidance from the Information Commissioner's Office in order to identify what changes we need to make.

Upon completion of the ICO guidance, an updated data protection system that fits the school's needs and complies with the new General Data Protection Regulations will be implemented.

All our data processing activities will be registered with the Information Commissioner's Office (See Appendix 1, pg10). The ICO will be notified of any changes to the type of data processing activities being undertaken, and the register will be amended accordingly.

We are aware that the GDPR places greater emphasis on accountability, and therefore the Data Protection Officer will keep up to date documentation of all data protection activities.

We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We want everyone connected with this school to feel safe, secure, valued, and of equal worth.

We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment, and the criminal justice system.

The educational section of the audit that covers differences by region, attainment and economic disadvantage; exclusions and abuse; and destinations has significant importance for the strategic planning of this school.

We believe it is essential that this policy identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that are connected with this policy.

**Aims**

* To ensure compliance with the General Data Protection Regulations.
* To strengthen and unify the safety and security of all data held within the school.
* To ensure the protection of all personal and sensitive data for which we hold responsibility as the Data Controller.
* To ensure the handling of all personal and sensitive data is in line with the data protection principles.
* To undertake an audit of the school's current position in preparation for the full implementation of and compliance with the GDPR.
* To work with other schools and the local authority to share good practices in order to improve this policy.

**Responsibility for the Policy and Procedure**

**Role of the Executive Regional Head Teacher/ Director of Education**

The Executive Regional Head Teacher/ Director of Education has:

* The responsibility to comply with the legal requirements of the new General Data Protection Regulation 2018.
* In accordance with the GDPR appointed a Data Protection Officer who has expert knowledge of data protection law and practices.
* The responsibility to ensure the DPO:
* Operates independently and is not dismissed or penalised for undertaking their role.
* Keeps the Senior Management Team (SMT) up to date with all data protection activities:
* Has adequate resources to meet their GDPR obligations.
* Keeps up to date documentation of all data protection activities.
* The responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998.
* Delegated powers and responsibilities to the Headteacher as 'Data Controller' for the school.
* Delegated powers and responsibilities to the Headteacher to prepare for compliance with the GDPR by following the 12-step guidance from the Information Commissioner's Office in order to identify what changes that we need to make to the current data protection system.
* Delegated powers and responsibilities to the Headteacher that on completion of the guidance to devise and implement an updated data protection system that fits the needs of the school and complies with the new GDPR.
* Delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy.
* Responsibility for ensuring that the school complies with all equality's legislation.
* Quality Assurance Group to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents that are a breach of this policy.
* Responsibility for ensuring funding is in place to support this policy.
* Responsibility for ensuring this policy and all policies are maintained and updated regularly.
* Responsibility for ensuring all policies are made available to parents/carers.
* The Executive Regional Head Teacher to:
* Visit the school regularly.
* Work closely with the Headteacher.
* Ensure this policy and other linked policies are up to date.
* Ensure that everyone connected with the school is aware of this policy.
* Attend training related to this policy.
* Report to the SMT every term.
* Annually report to the SMT on the success and development of this policy.
* Responsibility for the effective implementation, monitoring, and evaluation of this policy.

**Role of the Headteacher**

The Headteacher will:

* Act as 'Data Controller' for the school.
* Prepare for the General Data Protection Regulation by following the 12-step plan in accordance with the advice from the Information Commissioner's Office (See Appendix 2, p11):

**Awareness**

* To organise awareness training in order to inform all school personnel:
* That data law is changing to GDPR.
* To appreciate the impact, it will have on the school.
* How the impact will affect the school.
* By identifying areas that could cause compliance problems under the GDPR.
* To hold refresher training for all school personnel when necessary.

**Information we hold (**See Appendix 3, page 14)

* To organise an information audit of data held on pupils, school personnel, parents/carers.
* The audit will be undertaken under the following headings:
	+ 1. The type of data.
		2. How is the data collected?
		3. How is it processed?
		4. Where did it come from?
		5. Where is it located?
		6. How is it secured?
		7. Who is it shared with?

**Communicating Privacy Information**

* To review current privacy notices and to undertake any necessary changes before the implementation of GDPR.

**Individuals' Rights**

* To check current procedures to ensure they cover all the rights of individuals have including:
* how to delete personal data; and
* how to provide data electronically in a commonly used format.

**Subject Access Requests**

* To update present procedures and to plan how to handle requests within the new one-month timescale and provide any additional information.

**Legal basis for protecting personal data.**

* To review the various types of data processing that the school carries out and then identify and document the legal basis for carrying it out.

**Consent**

* To review how the school seeks, obtains, and records consent and consider any changes that are required.

**Children**

* To 'start thinking now about whether we need to put systems in place to verify individuals ages and to obtain parental or guardian consent for any data processing activity.'

**Data breaches**

* To ensure the right procedures are in place to detect, report and investigate a personal data breach.

**Data protection by design and data protection impact assessments**

* To consider when to begin implementation of the Privacy Impact Assessments.

**Data Protection Officers**

* To have in place a designated Data Protection Officer to take responsibility for data protection compliance.
* To assess where this role sits within the school's structure and Your Chapter's arrangements.

**Role of the Data Protection Officer**

The Data Protection Officer will:

* have expert knowledge of data protection law and practices;
* inform the school and school personnel about their obligations to comply with the GDPR and other data protection laws;
* ensure data management is strengthened and unified;
* monitor compliance with the GDPR and other data protection laws;
* manage internal data protection activities;
* ensure risk and impact assessments are conducted in accordance with ICO guidance;
* report data breaches within 72 hours;
* ensure individuals have greater control over their personal data;
* ensure that prior to the processing of an individual's data that:
* The process is in line with ICO guidance;
* The process is transparent;
* The individual will be notified;
* The notification is written in a form that is understandable to children;
* When sharing an individual's data with a third party outside of school that details for the sharing are clearly defined within the notifications;
* Share an individual's data where it is a legal requirement to provide such information;
* Process all written subject access requests from individuals within 40 days of receiving them;
* Have in place a formal contract or service level agreement with a chosen data processor who is GDPR compliant;
* Ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance;
* Train school personnel;
* Conduct audits;
* Be the first point of contact for supervisory authorities and for individuals whose data is processed;
* Keep up to date documentation of all data protection activities;
* Work closely with the Headteacher;
* Periodically report to the Headteacher and to the Executive Regional Head Teacher;
* Annually report to the SMT on the success and development of this policy;

**Role of School Personnel**

School personnel will:

* Attend GDPR awareness training;
* Comply with all aspects of this policy;
* Be aware of all other linked policies.

**Role of Parents/ Carers**

Parents/carers will:

* All staff will have access to complete GDPR awareness training via the Educ8 training platform SSS Learning
* General Data Protection Regulation Children's Homes Online Course
* General Data Protection Regulation Office-Based Employee Online Course
* Comply with all aspects of this policy
* Be aware of all other linked policies.

**Raising Awareness of this policy**

We will raise Awareness of this policy via:

* The Staff Handbook;
* Meetings with school personnel;
* Communications with the home such as half-term newsletters and of end of term newsletters;
* Reports such as annual reports to parents/ careers and LA.

**Training**

All school personnel:

* have equal chances of training, career development, and promotion
* receive training on this policy on induction, which specifically covers:
* General Data Protection Regulation
* Data Protection Act 1998
* Freedom of Information 2000
* Access to Personal Records
* E-safety
* Grievance Procedure
* Equality
* receive periodic training so that they are kept up to date with new information
* receive equal opportunities training on induction in order to improve their understanding of the Equality Act 2010 and its implications.

**Equality Impact Assessment**

Under the Equality Act 2010, we have a duty not to discriminate against people based on their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief, and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

**Monitoring the Implementation and Effectiveness of the Policy**

The practical application of this policy will be reviewed annually or when the need arises by the coordinator, the Headteacher, and the Executive Regional Head Teacher/Director of Education.

A statement of the policy's effectiveness and the necessary recommendations for improvement will be presented to the Senior Leadership Team for further discussion and endorsement.

**Linked Policies**

* Equality
* E-Safety
* Grievance Procedure

**Appendices**

* ICO certificate of registration (Appendix 1, pg10)
* Preparing for the General Data Protection Regulation (Appendix2, pg11)
* Data Protection Audit of Personnel and Sensitive Data (Appendix3, pg.14)
* GDPR School Readiness Statement (Appendix 4, pg. 15)
* Frequency Policy Monitoring (Appendix 5, pg. 18)
* Initial Impact Assessment (Appendix 6, pg. 20)
* Monitoring Implementation and Policy Effectiveness Action Plan (Appendix 7, pg23)
* Policy Evaluation (Appendix 8, pg. 25)



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| **Appendix 2** |
| **Preparing for the General Data Protection Regulation (GDPR)** |

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| **ICO's 12 Steps** |  | **Action** |
| **Awareness** | To organise awareness training to inform all school personnel and SMT* To hold refresher training for all school personnel and SMT when necessary.
 |  |
| **Information we hold** | * To organise an information audit of data held on pupils, school personnel, parents, and suppliers.
 |  |
| **Communicating Privacy Information** | * To review current privacy notices and to undertake any necessary changes before the implementation of GDPR.
 |  |
| **Individuals Rights** | * To check current procedures to ensure they cover all the rights of individuals.
 |  |
| **Subject Access Requests** | * To update present procedures, plan how to handle requests within the new one month timescale and provide any additional information.
 |  |
| **Lawful basis for processing personal data** | * To review the various types of data processing that the school carries out and then identify and document the legal basis for carrying it out.
 |  |
| **Consent** | * To review how the school seeks, obtains, records consent, and consider any changes that are required.
 |  |
| **Children** | * To 'start thinking now about whether we need to put systems in place to verify individuals ages and obtain parental or guardian consent for any data processing activity.'
 |  |
| **Data Breaches** | * To ensure the right procedures are in place to detect, report and investigate a personal data breach.
 |  |
| **Data Protection by Design and Data Protection Impact Assessments** | * To consider when to begin implementation of the Privacy Impact Assessments.
 |  |
| **Data Protection Officers** | * To have in place a designated Data Protection Officer to take responsibility for data protection compliance.
* To assess where this role sits within the school's structure and governance arrangements.
 |  |
| **International** | * To determine (if the school operates internationally) under which data protection supervisory authority applies to the school.
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| **Appendix 3** |
| **Data Protection Audit of Personal and Sensitive Data** |

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|  | **What type of data?** | **How is the data collected?** | **How is it processed?** | **Where did it come from?** | **Where is it located?** | **How is it secured?** | **Who is it shared with?** |
| **Pupils** |  |  |  |  |  |  |  |
| **School Personnel** |  |  |  |  |  |  |  |
| **Parents** |  |  |  |  |  |  |  |
| **Senior Management Team** |  |  |  |  |  |  |  |
| **Suppliers** |  |  |  |  |  |  |  |

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| **Appendix 4** |
| **GDPR School Readiness Statement** |

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| **ICO's 12 Steps** | **Statement** | **Date(s)** |
| **Awareness** | We have held:* awareness training for all school personnel on:
 |  |
| * awareness training for SMT on:
 |  |
| * awareness training for parents/carers on:
 |  |
| **Information we hold** | We have undertaken an information audit of all data held on pupils, school personnel, parents/carers & SMT |  |
| From that audit, we have made the following improvements: |  |
| **Communicating Privacy Information** | We have reviewed current privacy notices, and we have made the following improvements: |  |
| **Individuals Rights** | We have checked current procedures to ensure they cover all the rights of individuals have, and we have made the following improvements: |  |
| **Subject Access Requests** | We have reviewed current procedures, and we plan to handle new requests within the one-month timescale by: |  |
| **Lawful basis for processing personal data** | We have reviewed the various types of data processing that we carry out, and we have identified and documented the legal basis for carrying it out by: |  |
| **Consent** | We have reviewed how we seek, obtain and record consent, and we have made the following improvements: |  |
| **Children** | We have in place the following system to verify the ages of individuals:  |  |
| **Data Breaches** | We have in place the following procedures to detect, report and investigate a personal data breach: |  |
| **Data Protection by Design and Data Protection Impact Assessments** | We have started to implement the Privacy Impact Assessments on: |  |
| **Data Protection Officers** | We have appointed R Wassall as Data Protection Officer. This role fits into the school's structure and governance arrangements as follows: |  |
| **International** | We are/are not an international school, and our data protection supervisory authority is: |  |

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| **Appendix 5** **Frequency Policy Monitoring** |

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| **Method** | **Frequency** |
| **Daily** | **Weekly** | **Term** | **Annually** |
| **1** | **2** | **3** | **4** | **5** | **6** |
| Reports from Headteachers |  |  |  |  |  |  |  |  |  |
| Learning walks |  |  |  |  |  |  |  |  |  |
| Scrutiny of planning |  |  |  |  |  |  |  |  |  |
| Work trawls |  |  |  |  |  |  |  |  |  |
| Lesson observations |  |  |  |  |  |  |  |  |  |
| Discussions with teachers |  |  |  |  |  |  |  |  |  |
| Discussions with pupils |  |  |  |  |  |  |  |  |  |
| Discussions with Executive Regional Head Teachers/ SMT |  |  |  |  |  |  |  |  |  |
| Discussions with parents/ carers |  |  |  |  |  |  |  |  |  |

**Appendix 6**

**Initial Equality Impact Assessment**

**Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.**

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| --- | --- | --- | --- | --- |
| **Policy Title** | **The aim(s) of this policy** | **Existing policy (ü)** | **New/Proposed Policy (ü)** | **Updated Policy (ü)** |
|  |  |  | **ü** |  |

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| **This policy affects or is likely to affect the following members of the school community (ü)** | **Pupils** | **School Personnel** | **Parents/carers** | **Governors** | **School Volunteers** | **School Visitors** | **Wider School Community** |
|  |  |  |  |  |  |  |

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| **Question** | **Equality Groups** | **Conclusion** |
| **Does or could this policy have a negative impact on any of the following?** | **Age** | **Disability** | **Gender** | **Gender identity** | **Pregnancy or maternity** | **Race** | **Religion or belief** | **Sexual orientation** | **Undertake a full EIA if the answer is 'yes' or 'not sure.'** |
| **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Yes** | **No** |
|  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |
| **Does or could this policy help promote equality for any of the following?** | **Age** | **Disability** | **Gender** | **Gender identity** | **Pregnancy or maternity** | **Race** | **Religion or belief** | **Sexual orientation** | **Undertake a full EIA if the answer is 'no' or 'not sure.'** |
| **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Yes** | **No** |
| **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  |  | **ü** |
| **Does data collected from the equality groups have a positive impact on this policy?** | **Age** | **Disability** | **Gender** | **Gender identity** | **Pregnancy or maternity** | **Race** | **Religion or belief** | **Sexual orientation** | **Undertake a full EIA if the answer is 'no' or 'not sure.'** |
| **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Y** | **N** | **NS** | **Yes** | **No** |
| **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  | **ü** |  |  |  | **ü** |

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| **Conclusion** | **We have concluded that after undertaking an initial equality impact assessment that a full assessment is not required.** |

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| **Preliminary EIA completed by** | **Date** | **Preliminary EIA approved by**  | **Date** |
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| **Appendix 7****Monitoring Implementation and Policy Effectiveness Action Plan** |

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| **Method/Actions** | **Success Criteria/Intended Outcomes** | **Who is responsible** | **Who is involved** | **Start/finish dates** | **Costs** | **Evaluation against success criteria** |
| Reports from Leaders |  |  |  |  |  |  |
| Learning walks |  |  |  |  |  |  |
| Scrutiny of planning |  |  |  |  |  |  |
| Work trawls |  |  |  |  |  |  |
| Lesson observations |  |  |  |  |  |  |
| Discussions with teachers |  |  |  |  |  |  |
| Discussions with pupils |  |  |  |  |  |  |
| Discussions with Executive Regional Head Teacher/Director of education/SMT |  |  |  |  |  |  |
| Discussions with parents/Carers |  |  |  |  |  |  |

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| **Appendix 8****Policy Evaluation** |
| **Points to be considered** | **Yes** | **No** | **N/A** | **Please supply evidence** |
| * Policy annually reviewed
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| * Policy in line with current legislation
 |  |  |  |  |
| * Coordinator in place
 |  |  |  |  |
| * A nominated SMT in place
 |  |  |  |  |
| * The coordinator carries out the role effectively
 |  |  |  |  |
| * Headteacher, coordinator, and nominated SMT work closely
 |  |  |  |  |
| * Policy endorsed by the SMT
 |  |  |  |  |
| * Policy regularly discussed at meetings of the SMT
 |  |  |  |  |
| * School personnel aware of this policy
 |  |  |  |  |
| * School personnel comply with this policy
 |  |  |  |  |
| * Pupils aware of this policy
 |  |  |  |  |
| * Parents aware of this policy
 |  |  |  |  |
| * Visitors aware of this policy
 |  |  |  |  |
| * Local community aware of this policy
 |  |  |  |  |
| * Funding in place
 |  |  |  |  |
| * The policy complies with the Equality Act
 |  |  |  |  |
| * Equality Impact Assessment undertaken
 |  |  |  |  |
| * The policy referred to the School Handbook
 |  |  |  |  |
| * Policy available from the Head Office
 |  |  |  |  |
| * Policy available on request
 |  |  |  |  |
| * School Personnel involved with policy development
 |  |  |  |  |
| * All stakeholders take part in questionnaires and surveys
 |  |  |  |  |
| * All associated training in place
 |  |  |  |  |
| * All outlined procedures complied with
 |  |  |  |  |
| * Linked policies in place and up to date
 |  |  |  |  |
| * Associated policies in place and up to date
 |  |  |  |  |
| **A statement outlining the overall effectiveness of this policy** |
|  |