

Chatsworth Multi-Academy Trust Data Protection Policy

This policy applies to all employees, trustees and governors including temporary, contract staff and anyone who undertakes work on behalf of Chatsworth Multi-Academy Trust regardless of their location

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Document control
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Name	Description	Date
Andrew van Damms	V1.0 Data Protection policy template for schools	31/08/18
Debbie McCarron	V2 reviewed & updated references to UK GDPR	Jan 2021

Approvals

Name	Position	Date
Cole Andrew	Chair of Trustees	27.02.23
Martin Hanbury	CEO	27.02.23

1. Introduction

The processing of personal data is essential to the delivery of core education activities in schools. Chatsworth Multi-Academy Trust recognises that compliance with Data Protection legislation (principally the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018) will ensure that such processing is carried out fairly, lawfully, and transparently.

Data protection legislation, and Article 8 of the European Convention on Human Rights recognise that there is a balance between the legitimate use of personal data by organisations to enable the effective and efficient delivery of services in the public interest and ensuring appropriate protection for the rights and freedoms of the individual(s) to whom the personal data relates.

The trust welcomes the increased protection that the UK GDPR provides in relation to personal information about children. Indeed the trust recognises the very considerable responsibilities it has to safeguard the personal information it holds about its pupils and this comprehensive policy sets out how the trust will go about ensuring it meets its obligations.

2. Scope

This policy applies to the collection, use, sharing and other processing of all personal data held by the trust, in any format including paper, electronic, audio and visual. It applies to all employees, whether employed on a permanent, fixed term, or temporary (agency) basis.

3. Definitions

Term	Definition
<u>Personal Data</u>	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• 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>
<u>Special category personal data</u>	<p>Personal data which is more sensitive in nature and which requires 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

	<ul style="list-style-type: none"> • 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
<u>Processing</u>	<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>
<u>Data subject</u>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<u>Data controller</u>	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>
<u>Data processor</u>	<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>
<u>Personal data breach</u>	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.</p>

4. Personal data processed by the trust

The trust processes personal data relating to parents, pupils, staff, governors, trustees, visitors and others in order to be able to carry out its core education functions. Examples include:

- A name and address or contact details held about pupils, parents and staff and their families
- information attached to a reference number that could be used to identify someone
- a pupil's school/college record
- photographs of a pupil/learner
- records of sickness absence
- financial records relating to a pupil/learner's parent

The trust determines the purposes and means of processing this personal data and so is a data controller. The trust is registered as a data controller with the ICO and will renew this registration annually as required.

The trust will produce and maintain a record of its processing activities ('ROPA') and make this available to the Office of the Information Commissioner ('ICO') upon request. Appropriate information concerning the processing of personal data (e.g. why, how, for how long) in respect of which the trust is a data controller will be communicated by the trust to data subjects by means of appropriate privacy notices.

5. Roles and responsibilities

Data protection officer

The Data Protection Officer (DPO) is provided by the council's Information Governance Team through the IG SLA service, which the trust purchases via Salford City Council.

The DPO's contact details are below:

Information Governance Team
Service Reform
Salford City Council
Civic Centre
Chorley Road
Swinton
M27 5DA

Email: infogovernance@salford.gov.uk

Headteacher and Vice Principal

The Headteacher of Chatsworth High School & Community College and the Vice Principal of Chatsworth Futures act as the representatives of the data controller on a day-to-day basis for their respective settings.

All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy

- Informing the trust of any changes to their personal data, such as a change of address
- Contacting the DPO/seeking advice via the council's SLA service in the following circumstances:
 - With any questions the trust is not immediately able to resolve about the operation of this policy and about the UK GDPR/DPA 2018, for example in relation to the lawful use, secure handling, and retention of personal data,
 - Where Data Protection rights have been exercised, e.g. subject access, right to erasure etc, and it is unclear what the trust needs to do to meet its obligations
 - If there has been a data breach
 - When engaging in a new activity that may affect the privacy rights of individuals and assistance is required to conduct a Data Protection Impact Assessment (DPIA).
 - If assistance is required in order to ensure data protection requirements are met when carrying out procurement and contracting activity e.g. where another organisation may need to process personal data on behalf of the trust.

6. Data Protection Principles

The Trust will comply with the principles relating to the processing of personal data set out in the UK GDPR by putting in place processes to ensure that personal data is:

- processed lawfully, fairly and in a transparent manner in relation to the data subject (**'lawfulness, fairness and transparency'**);
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**'purpose limitation'**);
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**'data minimisation'**);
- accurate and, where necessary, kept up to date (**'accuracy'**);
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (**'storage limitation'**);
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**'integrity and confidentiality'**).

The trust shall be responsible for, and be able to demonstrate compliance with, the above principles (**'accountability'**).

7. Collecting Personal Data

a. Lawfulness, fairness and transparency

The trust will only process personal data where it has met one of 6 'lawful bases' (legal reasons) to do so under Data Protection law:

- The data needs to be processed so that the trust can **comply with a legal obligation**

- The data needs to be processed so that the trust, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- 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 to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed for the **legitimate interests** of the trust 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 pupil) has freely given clear **consent**

For special categories of personal data, the trust also needs to meet one of the special category conditions for processing as set out in Article 9 of the UK GDPR (as supplemented by the DPA 2018). The conditions which the trust will mainly rely on are:

- Processing is necessary for reasons of substantial public interest on the basis of Union or Member State law
- Processing is necessary for carrying out obligations under employment, social security or social protection law
- Processing is necessary to protect the vital interests of a data subject or another individual
- Explicit consent of the data subject

The trust is keenly aware of the additional protections set out in the UK GDPR for personal data about children and takes its responsibilities very seriously. If the trust offers online services to pupils, such as classroom apps, particular regard will be had for the UK GDPR requirements in relation to the provision of Information Society Services to Children. In particular, the trust will ensure it obtains parental consent (except for online counselling and preventive services) in line with relevant requirements based on the age of the child.

Privacy Notices

When collecting personal data from pupils, parents/carers, employees, trustees and governors the trust will ensure that relevant information is provided setting out why/how the council will be using the information, how long it will be kept for, and how individual rights can be exercised. The trust has produced three separate privacy notices, one for pupils/parents, one for staff, and one for governors and trustees.

b. Limitation, minimisation, accuracy and retention

Personal data will only be collected for specified, explicit and legitimate reasons and only to the extent that is necessary to carry out our education functions. If personal data is to be used for reasons other than those given when it was first obtained, the trust will generally

inform the individuals (or parents/carers) concerned before doing so and seek consent if it is necessary to do so. An exception to this may be where it is necessary and imperative to share information where there are safeguarding concerns or in the event of an emergency.

The trust will ensure there are robust measures in place to ensure that the personal data it holds is accurate and kept up to date. This will include proactive actions in the form of regular quality checks of records, and appropriate remedial actions to amend/update records. In any case where the trust becomes aware of any inaccuracy in the personal data it holds.

The trust will retain personal data only for as long as is necessary in accordance with statutory and operational requirements. The trust has a comprehensive records management policy and retention schedule which sets out the length of time specific types of record need to be retained for and the actions the trust will take to ensure secure destruction/disposal.

8. Sharing Personal Data

There are situations where the trust may legitimately need to share information, for example:

- there is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- additional help and support is available from other agencies – consent from parents/carers will be needed where the nature of support or interventions are of the type which would require their agreement

The trust will share personal data with law enforcement and government bodies where 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

The trust may also share personal data with emergency services and the local authority to help them to respond to an emergency situation that affects any of our pupils or staff.

Data processors

Suppliers/contractors may need to be provided with personal data in order to provide services to the trust or deliver services on behalf of the trust e.g. IT companies providing software platforms to the trust. When doing this, the trust will:

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law, in particular in relation to information security
- Ensure a data processor agreement is put in place between the trust and the contractor/supplier

9. Subject Access Requests and other Rights of Individuals

a. Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal data that the trust 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 will usually be made in writing (e.g. by letter or email) but can also be made verbally. A request should include:

- Name of individual
- Correspondence address
- Details of the information requested

b. 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 (Primary School):

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, in many cases parents/carers will be able to exercise subject access rights access requests on behalf of pupils. This is not an absolute rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above (Secondary School):

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, subject access requests from parents or carers of pupils will only be granted with the express permission of the pupil. This is not an absolute rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

c. Responding to subject access requests

When responding to requests, the trust:

- Will ask the individual to provide two forms of identification unless the trust is otherwise satisfied of the identity of the person making the request

- Will respond without delay and within one month of receipt of the request
- Will provide the information free of charge
- May extend the timescale for compliance by a further two months, where a request is complex or involves very large volumes of information. Where this is the case, the trust will inform the individual of this within one month, and explain why the extension is necessary

The trust will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil 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, the trust 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 the trust refuses a request, it will tell the individual why, and tell them they have the right to complain to the ICO.

d. Other Data Protection rights of the individual

Individuals have a number of additional rights, including:

- the right to rectification i.e. to have inaccurate personal data rectified
- the right to erasure i.e. to have personal data erased – this is not an absolute right and only applies in certain circumstances
- the right to restriction – this means personal data can still be stored but not used. This is not an absolute right and only applies in certain circumstances
- the right to object to processing – a data controller can continue to process personal data if it can demonstrate it has compelling reasons to do so. Individuals have an absolute right to stop their personal data being used for direct marketing
- rights in relation to automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)

These rights can be exercised in writing or verbally. In most cases, the trust has one calendar month in which to respond. The DPO/council will be contacted for advice via the SLA service in the event the trust is unsure how to handle any such request.

10. Parental right of access to Education records

The Education (Pupil Information) (England) Regulations 2005 allow parents access to the official education records of their children. The trust must make a pupil's educational record available for inspection or provide a copy of the record within 15 school days of a valid written request by a parent. Any charges for copying will not exceed the cost of supply.

The trust may refuse to disclose information under the Pupil Information Regulations where:

- The trust would have no right to disclose the information to the pupil under the UK GDPR and DPA 2018.

- This may be where the information might cause serious harm to the physical or mental health of the pupil or another individual.

Steps need to be taken to verify the identity of the person making the request as is the case when handling subject access requests.

11. Biometric Recognition Systems

If and where the trust uses pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash), the trust 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 trust will get written consent from at least one parent or carer before taking any biometric data from their child and processing it.

Parents/carers and pupils have the right to choose not to use the trust's biometric system(s). If a biometric system is introduced, alternative means of accessing the relevant services will be provided for those who do not wish to participate. For example, pupils can pay for school dinners in cash at each transaction if they wish.

Parents/carers and pupils can withdraw their consent from participation in a school's biometric recognition system(s) at any time. In such cases the trust will ensure that any relevant data already captured is deleted.

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

Where staff members or other adults use the school's biometric system(s), the trust will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they do not wish to use it. Staff and other adults can also withdraw consent at any time, and the trust will delete any relevant data already captured.

12. CCTV

The trust uses CCTV in various locations around the trust sites for the purposes of crime prevention, maintaining site security and for public safety. In doing so, the trust will follow ICO guidance along with other relevant industry codes of practice in relation to the use of CCTV.

Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

13. Data Protection by Design & Default

The trust's approach to compliance with data protection legislation will be underpinned by the principles of privacy by design and privacy by default.

'Privacy by design' means that the trust will take into account privacy issues from the very outset of planning for an activity that might involve the processing of personal data. When undertaking a new activity privacy considerations will be embedded throughout. Data

Protection Impact Assessments will be carried out with support from the council's SLA service where required and oversight from the DPO.

'Privacy by default' means that the trust will ensure that only personal data that is necessary for a specific purpose is processed. The trust will not collect more personal data than is needed for the purposes concerned, process it in any ways other than than is necessary or store it longer than is needed.

14. Data Security & Storage of Records

The trust has appropriate physical, technical and organisational measures in place in order to ensure the security of personal data.

In particular:

- Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);
- 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
- Where personal information needs to be taken off site, this is kept to the minimum required and staff must sign it in and out from the relevant school/college office
- Strong Passwords that are at least 8 characters long containing a mixture of letters, numbers and special characters required to access trust computers, laptops and other electronic devices. Staff and pupils 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 where personal information is stored
- Where the trust engages a data processor, due diligence is carried out to ensure stored securely and adequately protected

15. Disposal of Records

This is covered in the trust's records management policy.

16. Personal Data Breaches

The trust has robust measures in place to protect the personal data it holds. However, in order to be prepared for any possible incident a data breach management policy has been produced. All staff will be briefed on this. It is essential all staff understand that appropriate and necessary actions need to be taken quickly in order to remedy a breach and in order to ensure, in the event of a serious incident, the trust is in a position to notify the ICO within 72 hours.

18. Training

The trust recognises that data protection training is crucial so that all staff understand their responsibilities relating to Data Protection and the use of personal data. Failure to comply with data protection legislation could lead to serious consequences, and in some cases may result in significant fines or criminal prosecution.

All staff, trustees and governors are provided with data protection training as part of their induction process. The trust will also ensure attendance at training and awareness sessions

to be provided by the council through the SLA service and ensure this learning is cascaded within the trust accordingly.

19. Monitoring Arrangements

The DPO is responsible for monitoring and reviewing this policy. The policy will be reviewed annually and updated if necessary.

The trust will ensure that all staff are aware of and have read this policy. This policy will also be shared with the full governing board.

20. Links with Other Policies

This data protection policy is linked to other policies including:

- Records Management and Retention policy
- School records retention schedule
- Data breach management policy