



Havannah Primary School

Confidentiality and
General Data Protection
Policy

Summer Term 2023

Introduction

Havannah Primary School recognises the need to process personal data in accordance with the General Data Protection Regulation (the Regulation). The Governing Body has overall responsibility for ensuring records are maintained in accordance with the Regulation, Education Regulations and all other statutory provisions.

The Head Teacher and Governors of the school intend to comply fully with the requirements of the General Data Protection Regulation and ensure all staff involved in the collection, processing and disclosure of personal data are fully aware of their duties and responsibilities under the Regulation.

This Policy applies to the collection and processing of all personal information held by Havannah, falling within the scope of the Regulation, regardless of whether it is held electronically or physically.

Havannah Primary School notifies with the Information Commissioner's Officer as per its requirement under the Regulation.

Principles under GDPR

Havannah Primary School agrees to process its information in accordance with the 6 Principles of the GDPR by:

- a. Processing personal information fairly and lawfully and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency')
- b. Collecting information for specified, explicit and legitimate purposes and not further processing in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with Article 89(1), not be considered to be incompatible with the initial purposes ('purpose limitation')
- c. Ensuring personal data is adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation')
- d. Keeping all personal data accurate and, where necessary, up to date. Every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy')
- e. Ensuring all personal data is 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1)

subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation')

- f. Processing personal data 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')

Individual Rights

Havannah Primary School recognises the rights of an individual under the Regulation. These include:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

The School's Privacy Notice lays out all types of information held by the school, the purposes for processing this information, and who information may be shared with. The School's Retention and Disposal Schedule indicates the period of time the information will be stored for.

Accessing an Individual's Data

Havannah Primary School recognises that access to personal data held about an individual is a fundamental right under the Regulation known as a Data Subject Access Request. The school will ensure that all requests made to access personal data are dealt with as quickly as possible and within the 30 calendar days timescale as stipulated in the Regulation as long as the individual meets the requirements as laid out in this policy. The individual must:

- 1) Make the request for information in writing, paper or e-mail to the Head Teacher
- 2) Provide adequate proof of identification and, where applicable, written authorisation of the data subject (in cases where the request is being made on their behalf by a legal or lawfully appointed representative)
- 3) Specify clearly and simply what information is required
- 4) Give enough detail to enable the information to be located
- 5) Where appropriate, include the relevant fee
- 6) Make it clear where the response is to be sent

All requests for personal data will be logged.

The Regulation allows exemptions from providing information to individuals making a request for their information where it is deemed necessary, such as for the prevention and detection of crime, it is required by law or to protect the individual.

Requests for personal data do not allow you to see information about other individuals without their consent.

In addition to individual rights under the Regulation, parents have a right to access their child's educational records under current Education (Pupil Information) Regulations 2005.

Amending or Deleting an Individual's data

Under the GDPR, a data subject has the right to be 'forgotten'. However, this only applies where there is no legal basis to retain information. If a data subject believes data Havannah Primary School holds about them is inaccurate or out of date then they should request, in writing, that this information is corrected or deleted. They will be given a response stipulating if the school agrees and if so what action has been taken. If the data subject disagrees with the course of action they can ask for an entry to be made on their records in relation to this objection.

A data subject may also serve the school with a notice indicating they object to what or how their information is being processed. The School will respond with their intentions within 21 days or receiving the request explaining whether they agree to comply with the request.

Where information held is based on 'consent', an individual has the right to remove consent at any time and ask for information to be deleted. The School will respond to confirm this has happened.

If a data subject remains dissatisfied with a response from the school they may ask for the matter to be dealt with under the complaints procedure. The data subject also has the right to ask the Information Commissioner's Office (ICO) to carry out an assessment of the case.

Handling and Processing of Data

The Head Teacher, staff and governors of the school agree to handle personal data in accordance with the General Data Protection Regulation. This will be carried out through ensuing that:

- specific responsibility is assigned to a member of staff for all matters under the GDPR, known as the DPO
- everyone who handles and manages personal data understands they are responsible for following good practice
- everyone who handles and manages personal data has been appropriately trained to do so
- methods for handling and processing personal data are regularly reviewed and assessed
- all physical personal data held is kept secure and locked away securely when not in use
- all electronic personal data is held on a secure network or on encrypted portable media
- any visitors to the school sign in and out, where identification badges whilst on the premises and, where appropriate, are accompanied
- all staff are trained to know when and how to report any actual or suspected data breach(es) and these breaches are managed correctly and lawfully (see Information Breach Incident Report Form and Log Book)
- any data sharing is carried out under the requirements of specific legislation or is done so under a written agreement that sets out the scope and limitations of the sharing.

Retention of Data

Havannah Primary School agrees to ensure personal data will only be held for the required amount of time in accordance with the Schools Retention and Disposal Schedule.

Disclosure of Information

The school will generally only disclose information with the consent of the individual, but there are times when it is necessary to do this without direct consent. These incidences include:

- where pupil data is disclosed to authorised recipients in respect of a child's health, safety and welfare
- where pupil data is disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations
- where pupil data is disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the school
- where staff data is disclosed to relevant authorities, e.g. in respect of payroll and administrative matters
- unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a confidentiality form agreeing not to disclose the data outside of the school. Officers and IT personnel working on behalf of the Local Education Authority are IT liaison/data processing officers who are contractually bound not to disclose personal data
- only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available when the person requesting the information is a professional legitimately working within the school who need to know the information in order to do their work. The school will not disclose anything on pupils' records which would be likely to cause serious harm to their physical or mental health or that of anyone else - including where it suggests that they are, or have been, either the subject of or at risk of child abuse.

Liability under the Regulation

Staff, governors and volunteers acknowledge that a deliberate breach of this GDPR Policy will be treated as a disciplinary matter and any serious breaches could lead to dismissal.

Glossary of Terms

"data subject" - the individual who is the subject of personal data or the person to whom the information relates

"parent" - has the meaning given in the Education Act 1996, which includes any person having parental responsibility or care of a child

"personal data" - means data, which relates to living individual who can be identified. Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, Internet or media

"processing" - means obtaining, recording or holding the information or data or carrying out any set of operations on the information or data