



# THE DWASTRE

## Education Trust

**Policy Name: DATA PROTECTION POLICY**

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**Publish on Trust website: Yes**

**Publish on Academy websites: Yes**

**Signed:**

A handwritten signature in blue ink, reading "Gary O'Connell", is enclosed in a light blue rectangular box.

**Chair of Directors**

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## **Part 1 Introduction and Key Definitions**

### **1.1 Introduction**

Thedwastre Education Trust needs to gather and use certain information about individuals.

These individuals can include pupils, parents/carers, employees, suppliers, business contacts and other people the Trust and its academies have a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled and stored to meet the Trust's data protection standards — and to comply with the law, notably the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Act (DPA 2018).

This data protection policy ensures Thedwastre Education Trust:

- complies with data protection law and follows good practice
- protects the rights of pupils, staff, parents/carers and other stakeholders
- is open about how it stores and processes individuals' data
- protects itself from the risks of a data breach

This Data Protection policy is based on the six principles of the Data Protection Act (DPA) that personal data shall be:

1. processed lawfully, fairly and in a transparent manner
2. collected for specified, explicit and legitimate purposes
3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
4. accurate and kept up to date
5. kept in a form which permits identification of data subjects for no longer than is necessary
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss or damage

### **1.2 Guidance**

Further guidance on this subject is available on the DfE website:

<https://www.gov.uk/government/publications/data-protection-toolkit-for-schools>

Currently two documents have been produced; A Toolkit for Schools (Version 1) and Annual Review Checklist template.

### **1.3 Key Definitions**

#### **Personal Data**

The DPA describes how organisations, including Thedwastre Education Trust, must collect, handle and store personal information, which is defined as any data relating to an identified, or identifiable, individual.

Some data is more sensitive than others and particular care will be given to processing and managing this. Sensitive data includes:

- 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.

Data can be stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

### **Data Subject**

A 'Data Subject' is someone whose details the trust or its academies keeps on file. The data subject has the following rights under data protection legislation:

- to be informed
- to have 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 the trust to keep their data
- to restrict processing (e.g. limit what their data is used for)
- to object to data being shared or collected.

Although data protection legislation affords these rights to individuals, in some cases the obligations trust has to share data with the DfE etc override these rights (this is documented later in the policy under 'Privacy Notices').

### **Data Controller**

The 'Data Controller' has overall responsibility for the personal data collected and processed and has a responsibility for ensuring compliance with the relevant legislation. They are able to delegate this to 'Data Processors' to act on their behalf.

Thewastre Education Trust is the 'Data Controller' and is registered with the Information Commissioner's Office (ICO).

### **Data Processor**

A 'Data Processor' uses, collects, accesses or amends the data that the controller is authorised to collect or has already collected. It can be a member of staff, third-party company or another organisation such as the police or Local Authority (LA).

### **Personal Data Breach**

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## Part 2 Organisational Arrangements

### 2.1 Overall Responsibility

Thewastre Education Trust will meet its obligations under the DPA by putting in place clear policies that focus on the key risks and in checking that control measures have been implemented and remain appropriate and effective.

### 2.2 Roles & Responsibilities

The Trust will:

- Establish and maintain a positive data protection culture.
- Ensure the CEO prepares and reviews (at least annually), the Data Protection policy on behalf of all academies for approval and adoption by the Trust. **Local Governing Bodies will be responsible for monitoring the effectiveness of the policy and reporting to the Trust.**
- Appoint a Data Protection Officer and provide adequate resources and support for them to fulfil their statutory duties.
- Allocate sufficient resources for data protection, e.g. in respect of training for staff, encryption technology for devices.
- Monitor and review data protection issues.
- Ensure that each academy provides adequate training, information, instruction, induction and supervision to enable everyone to comply with their data protection responsibilities.
- Review and act upon data protection compliance reports from the Data Protection Officer.
- Attend data protection training as organised by the Trust.
- Monitor the work of the Data Protection Officer to ensure they are fulfilling their responsibilities.
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The Headteacher will:

- Promote a positive data protection culture.
- Complete local details in the Trust Data Protection policy.
- Ensure that all staff co-operate with the policy.
- Ensure that staff are competent to undertake the tasks required of them and have been provided with appropriate training.
- Provide staff with equipment and resources to enable them to protect the data that they are processing.
- Ensure that those who have delegated responsibilities are competent, their responsibilities are clearly defined, and they have received appropriate training.
- Following the Trust's template, carry out a data protection induction for all staff and keep records of that induction.
- Coordinate the School's response to a Subject Access Request, liaising with the CEO and/or Data Protection Officer as necessary.
- Coordinate the School's response to a data breach, liaising with the CEO and/or Data Protection Officer as necessary

The Data Protection Officer will:

- Inform and advise Trust academies of their obligations under data protection legislation.
- Monitor compliance with the legislation and report to the CEO and Trust on a termly basis.
- Cooperate with the supervisory authority (e.g. Information Commissioner's Office) and act as the main contact point for any issues.
- Seek advice from other organisations or professionals, such as the Information Commissioner's Office as and when necessary.
- Keep up to date with new developments in data protection issues for academies.
- Act upon information and advice on data protection and circulate to staff and governors.
- Advise the school/trust in preparing their response to a Subject Access Request.
- Advise the school/trust in preparing their response to a data breach

Staff at each academy will:

- Familiarise themselves and comply with the Data Protection Policy.
- Comply with the trust's data protection arrangements.
- Follow the data breach reporting process.
- Attend data protection training as organised by the school/trust.

## **Part 3 Detailed Arrangements & Procedures**

### **3.1 Data Management**

#### **Data Registration**

As Data Controller, the Trust must register as a Data Controller on the Data Protection Register held by the Information Commissioner. The academy was first registered by the Trust on 10/07/17, renewed annually thereafter.

#### **Data Protection Officer**

As a public body, Thedwastre Education Trust is required to appoint a Data Protection Officer (DPO).

At each academy the DPO role is fulfilled by:

*SBM Services, 12 Park Lane Business Centre  
Park Lane  
Langham  
Colchester  
CO4 5WR*

**Email:** *info@sbmservices.co.uk*

**Telephone:** *01206 671103*

The role of the DPO is to:

- Inform and advise trust/academy 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 in the trust.

### **Data Protection Awareness**

In order to ensure organisational compliance, all staff and other key stakeholders (e.g. governors, volunteers) will be made aware of their responsibilities under the data protection legislation as part of their induction programme, (both as a new employee/governor to the organisation or if an individual changes role within the trust/academy).

Staff and governors/trustees will also be required to complete annual cyber security training to ensure that they are aware of cyber risks and understand the important role that they play in reducing the risk of a successful cyber attack.

Annual data protection refresher training will take place to reinforce the importance of staff adhering to the legislation.

A record of the professional development undertaken by the individual will be retained on their training record.

### **Data Mapping**

Each academy within the trust must document all of the data that it collects within a 'Data Flow Map'. This data inventory records:

- the data held
- what the data is used for
- how it is collected
- how consent is obtained
- how the data is stored
- what the retention period is
- who can access the data
- who is accountable for the data
- how the data is shared
- how the data is destroyed.

For each data type, the probability of a data breach occurring is assessed (very high, high, medium, low or very low) and actions to be taken to mitigate the risk are recorded.

It is the responsibility of the DPO to ensure the 'Data Flow Map' is kept up to date. The map should be a live document and reviewed regularly and updated as necessary.

## **3.2 Third Party Suppliers Acting as Data Processors**

As Data Controller, the Trust is responsible for ensuring that correct protocols and agreements are in place to ensure that personal data is processed by all sub-contractors and other third parties in line with the principles of the data protection legislation.

Individuals within the Trust and each academy who have a responsibility for securing contracts and agreements with such third parties are responsible for ensuring that all external data processing is contracted out in line with the principles of the DPA. These type of agreements include:-

- IT contracts and processes.
- Physical data and hard copy documents.
- Data destruction and hardware renewal and recycling financial and personnel information.
- Pupil and staff records.

Only third party suppliers who can confirm they have appropriate technical, physical and organisational security to securely process data will be considered as suitable partners.

The procurement process will ensure that all contracts are suitable and reflect DPA requirements. Review of current and due consideration of future contracts will require this even if data processing is ancillary to the main purpose of the contract.

The external processor will confirm with the data controller that suitable security and operational measures are in place.

Any potential supplier or purchaser outside the EU will be obliged to confirm how they comply with the DPA and give contractual assurances.

The DPO may require a specific risk assessment to be undertaken if the data is sensitive, and if an increased risk is likely due to the nature, or proposed nature, of the processing.

A written agreement will be in place between the supplier and the trust/academy to confirm compliance with the DPA principles and obligations to assist in the event of data breach or subject access request, or enquiries from the ICO.

The trust/academy must have the right conduct audits or have information about audits that have taken place in respect of the relevant processes of the supplier's security arrangements whilst the contract is in place, or whilst the supplier continues to have personal data that relates to the contract on its systems.

Any subcontracting must only be done with the written consent of the Trust as data controller. This must be the case for any further subcontracting down the chain. All subcontractors must confirm agreement to be bound by DPA principles when handling trust/academy data, which shall also include co-operation and eventual secure destruction or return of data.

Each academy has a 'Third Party Request for Information' form which must be used for third party suppliers acting as a Data Processor for an academy within Thedwastre Education Trust.

The trust/school maintains evidence of the checks that have taken place for each of their third party suppliers.

### **3.3 Consent**



As a trust, our academies 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. However, in most cases, data will only be processed if explicit consent has been obtained.

Consent is defined by the DPA 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 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.**Privacy Notices**

In order to comply with the fair processing requirements of the DPA, each academy will inform their staff and parents/carers of all pupils of the data they collect, process and hold on them, the purposes for which the data is held and the third parties (eg LA, DfE, etc) to whom their data may be passed, through the use of ‘Privacy Notices’.

Privacy notices are available to staff, parents and governors/ trustees through the following means:

- Academy website
- Academy newsletter
- Academy prospectus
- Letter to parents
- Staff Handbook
- Staff Notice Boards

### **The Use of Pupil Images**

Occasionally an academy may take photographs of its pupils. These images could be used as part of internal displays, printed publications, the academy website or social media accounts.

Each academy is required to seek consent from all parents to allow the photography of pupils and the subsequent reproduction of these images. Consent will be sought on an annual basis and records of such consent maintained at each Academy.

Parents are given the opportunity to opt in. It is not permissible to assume parents are opting in.

Generic consent for all uses of images is not acceptable; parents must give consent to each medium.

Parents must be given the opportunity to withdraw their consent at any time. This should be given in writing to the academy, however a verbal withdrawal of consent is also valid and should be reported to the headteacher immediately.

If images of individual pupils are published, then the name of that child should not be used in the accompanying text or caption unless specific consent has been obtained from the parent prior to publication.

The academy ‘Parental Consent’ form should be issued to current parents to seek consent annually.

### **Accurate Data**

Each academy within the academy will endeavour to ensure that the data it stores is accurate and up to date.

When a pupil or member of staff joins an academy, they will be asked to complete a form providing their personal contact information (e.g. name, address, phone number, NI number for staff), next of kin details, emergency contact and other essential information. At this point, the academy will also seek consent to use the information provided for other internal purposes (such as promoting academy events, photography).

Each academy will undertake an annual data collection exercise, where current staff and parents will be asked to check the data that is held about them is correct. This exercise will also provide individuals with the opportunity to review the consent they have given for the academy to use the information held for internal purposes.

Parents/carers and staff are requested to inform the academy when their personal information changes.

### **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 academy will consider each situation on the merits and within the principles of the DPA, child welfare, protection and safeguarding principles.

Parents/carers and staff are requested to complete a Withdrawal of Consent form and return this to the headteacher.

### **3.4 Associated Data Protection Policies**

Policies which cover the following subjects provide greater detail and should be read in conjunction with this policy. They may be found on the Trust website.

- CCTV Policy
- Complaints
- Data Breaches
- Records Retention
- Subject Access Requests
- Third Party Requests for Information
- Use of Personal Devices

### **CCTV**

Thewastre Education Trust may use closed circuit television (CCTV) images to reduce crime and monitor the academy buildings in order to provide a safe and secure environment for pupils, staff and visitors, and to prevent loss or damage to the academy property. 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
- the complaints procedure.

### **Complaints**

Complaints will be dealt with in accordance with the Trust's Complaints Procedure. An individual may contact the Information Commissioner's Office (ICO) if they are not satisfied with how a complaint has been dealt with by the trust or school. The telephone number for the ICO is 0303 123 1113.

### **Data Breaches**

Although each academy and the Trust takes measures against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data as set out in this policy and the supporting policies referred to, a data security breach could still happen. Examples of data breaches include:

- Loss or theft of data or equipment on which data is stored (e.g. losing an unencrypted USB stick, losing an unencrypted mobile phone).
- Inappropriate access controls allowing unauthorised use.
- Equipment failure.
- Human error (e.g. sending an email to the wrong recipient, information posted to the wrong address, dropping/leaving documents containing personal data in a public space).
- Unforeseen circumstances such as fire or flood.
- Hacking attack.
- 'Blagging' offences where information is obtained by deceiving the academy.

The Trust has a Data Breach policy which sets out the process that should be followed in the event of a data breach occurring.

### **ICT Usage Agreements**

The trust has an ICT Usage Agreement in place which staff, governors, trustees and volunteers are required to sign on an annual basis. This agreement sets out the expectations the trust has in relation to staff safely and securely using the IT network.

### **Records Retention**

The Trust recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations which will also contribute to the effective overall management of the academy.

The Trust has a Record Management & Retention policy in place which sets out how it will:

- safely and securely store data (both digital and hard copy data)
- retain data
- dispose of data.

### **Subject Access Requests**

Any individual, person with parental responsibility or young person with sufficient capacity has the right to ask what data the academy holds about them, and can make a Subject Access Request (SAR).

The Trust has a Subject Access Request policy, which sets out the process that should be followed in the event of receiving a SAR.

### **Third Party Requests for Information**

Occasionally an academy may receive a request for information on a pupil or member of staff by a third party, such as the police or social services. This would be separate to statutory requests that come from the DfE or LA, for example, which are covered within the privacy notices.

The Trust has a Third-Party Request for Information policy which sets out the process that should be followed in the event of receiving a third-party request.

### **Use of Personal Devices**

The Trust recognises the benefits of mobile technology and is committed to supporting staff in the acceptable use of mobile devices. Each academy must follow the Use of Personal Device policy which sets out how non-academy owned electronic devices, e.g. laptops, smart phones and tablets, may be used by staff members and visitors to the academy.

### **Data Privacy Impact Assessments**

When considering the purchase of a new service or product that involves processing personal data, a Data Privacy Impact Assessment must be completed. If risks are identified as part of the assessment then appropriate steps to mitigate this risk must be implemented. If these risks are deemed to be 'high risk' then the DPO should consult with the ICO prior to implementation.

The 'Data Privacy Impact Assessment' form must be used for each new service/product.