

Brant Road, Preston, PR1 5TU. Tel: 01772 792302 Website: www.brockholeswood.lancs.sch.uk
Head Teacher: Miss Natalie Barber BA Hons - email: head@brockholeswood.lancs.sch.uk
Breakfast & After School Clubs email: badgers@brockholeswood.lancs.sch.uk

School Personal Data Handling Policy

Introduction

Schools and their employees must do everything within their power to ensure the safety and security of any material of a personal or sensitive nature, including personal data. It is the responsibility of all members of the school community to take care when handling, using or transferring personal data that it cannot be accessed by anyone who does not:

- have permission to access that data
- need to have access to that data.

Data breaches can have serious effects on individuals and / or institutions concerned, can bring the school into disrepute and may well result in disciplinary action, criminal prosecution and fines imposed by the Information Commissioner’s Office. Particularly, all transfer of data is subject to risk of loss or contamination.

Anyone who has access to personal data must know, understand and adhere to the relevant school policy which brings together the statutory requirements contained in relevant data protection legislation and relevant regulations and guidance (where relevant from the Local Authority / Parent Organisation).

Legislative Context

With effect from 25th May 2018, the data protection arrangements for the UK change following the European Union General Data Protection Regulation (GDPR) [announced in 2016](#). This represents a significant shift in legislation and replaces the Data Protection Act 1998. The UK legislation was announced on the [14th September 2017](#). The Data Protection Bill’s (DP Bill) journey through parliament and the associated text has been [published online](#). The EU GDPR gives members states, like the UK, limited opportunities to make unique provision for how the regulation applies. However, the GDPR and the DP Bill should not be considered separately from each other.

Any natural or legal person, public authority, agency or other body which processes personal data is considered a ‘data controller’.

Personal data is defined as any combination of data items that identifies an individual and provides specific information about them, their families or circumstances. This will include:

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- Personal information about members of the school community – including pupils, members of staff and parents / carers e.g. names, addresses, contact details, legal guardianship contact details, health records, disciplinary records
- Curricular / academic data e.g. class lists, pupil progress records, reports, references
- Professional records e.g. employment history, taxation and national insurance records, appraisal records and references
- Any other information that might be disclosed by parents / carers or by other agencies working with families or staff members.

Fee

The School should pay the relevant fee to the ICO.

Responsibilities

The Data Protection Officer (DPO) at Brockholes Wood School is the Headteacher. They must have:

- Expert knowledge
- Timely and proper involvement in all issues relating to data protection
- The necessary resources to fulfil the role
- Access to the necessary personal data processing operations
- A direct reporting route to the highest management level

As a minimum the Data Protection Officer must:

- Inform, as necessary, the controller, a processor or an employee of their obligations under the data protection laws
- Provide advice on a data protection impact assessment
- Co-operate with the Information Commissioner
- Act as the contact point for the Information Commissioner
- Monitor compliance with policies of the controller in relation to the protection of personal data
- Monitor compliance by the controller with data protection laws

The school may also wish to appoint a Data Manager. At Brockholes Wood School this is the School Secretary.

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The school’s DPO is responsible for overseeing:

- what information is held, for how long and for what purpose,
- how information has been amended or added to over time, and
- who has access to the data and why.

Everyone in the school has the responsibility of handling protected or sensitive data in a safe and secure manner.

Governors are required to comply fully with this policy in the event that they have access to personal data, when engaged in their role as a Governor.

Information to Parents / Carers – the Privacy Notice and Consent

In order to comply with the fair processing requirements in data protection law, the school will inform parents / carers of all pupils of the data they collect, process and hold on the pupils, the purposes for which the data is held and the third parties (e.g. LA, DfE, etc.) to whom it may be passed. This privacy notice will be passed to parents / carers for example in the prospectus, newsletters, reports or a specific letter / communication and the school’s website. Parents / carers of young people who are new to the school will be provided with the privacy notice through an appropriate mechanism.

Data Protection Impact Assessments (DPIA)

According to the ICO, Data Protection Impact Assessments (DPIA): “help organisations to identify the most effective way to comply with their data protection obligations and meet individuals’ expectations of privacy.”

These will be carried out by the DPO. These are intended to be carried out before processing activity starts, although some may need to be retrospective in the early stages of compliance activity.

The risk assessment will involve:

- Recognising the risks that are present
- Judging the level of the risks (both the likelihood and consequences)
- Prioritising the risks.

According to the ICO a DPIA should contain:

- A description of the processing operations and the purpose.
- An assessment of the necessity and proportionality of the processing in relation to the purpose.
- An assessment of the risks to individuals.

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- The measures in place to address risk, including security and to demonstrate that you comply.

Or more simply and fully:

- Who did you talk to about this?
- What is going to happen with the data and how – collection, storage, usage, disposal
- How much personal data will be handled (number of subjects)
- Why you need use personal data in this way
- What personal data (including if it’s in a ‘special category’) are you using
- At what points could the data become vulnerable to a breach (loss, stolen, malicious)
- What are the risks to the rights of the individuals if the data was breached
- What are you going to do in order to reduce the risks of data loss and prove you are compliant with the law

DPIA is an ongoing process and should be re-visited at least annually to verify that nothing has changed since the processing activity started.

Training & awareness

All staff must receive data handling awareness / data protection training and will be made aware of their responsibilities, through opportunities such as:

- Induction training for new staff
- Staff meetings / briefings / INSET
- Day to day support and guidance from System Controllers

Secure storage of and access to data

The school should ensure that systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system. Images from the CCTV are also included in data where a person is recognisable and identifiable. (See CCTV policy and protocol document.)

Good practice suggests that all users will use strong passwords made up from a combination of simpler words. User passwords must never be shared.

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Personal data may only be accessed on machines that are securely protected. Any device that can be used to access personal data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.

All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.

Personal data should only be stored on school equipment. Private equipment (i.e. owned by the users) must not be used for the storage of school personal data.

Brockholes Wood School does not allow storage of personal data on removable devices.

The school has a dedicated server for off-site access to the server and all school files, All paper based personal data is held in lockable storage, whether on or off site.

Subject Access Requests

Data subjects have a number of rights in connection with their personal data:

- Right to be informed – Privacy notices
- Right of access – Subject Access Request
- Right to rectification – correcting errors
- Right to erasure – deletion of data when there is no compelling reason to keep it
- Right to restrict processing – blocking or suppression of processing
- Right to object – objection based on grounds pertaining to their situation
- Rights related to automated decision making, including profiling

For subject access requests, see the school’s Child Protection & Safeguarding Policy.

Secure transfer of data and access out of school

The school recognises that personal data may be accessed by users out of school, or transferred to the LA or other agencies. In these circumstances:

- Users may not remove or copy sensitive or restricted or protected personal data from the school or authorised premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location
- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when out of school
- When restricted or protected personal data is required by an authorised user from outside the organisation’s premises (for example, by a member of staff to work

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from their home), they should have secure remote access to the management information system or learning platform

- If secure remote access is not possible, users must only remove or copy personal or sensitive data from the organisation or authorised premises if the storage media, portable or mobile device is encrypted and is transported securely for storage in a secure location
- Users must protect all portable and mobile devices, including media, used to store and transmit personal information using approved encryption software
- Particular care should be taken if data is taken or transferred to another country, particularly outside Europe, and advice should be taken from the local authority (if relevant) in this event.

Disposal of data

See the school’s Retention Schedule.

Audit Logging / Reporting / Incident Handling

Organisations are required to keep records of processing activity. This includes:

- The name and contact details of the data controller
- Where applicable, the name and contact details of the joint controller and data protection officer
- The purpose of the processing
- To whom the data has been/will be disclosed
- Description of data subject and personal data
- Where relevant the countries it has been transferred to
- Under which condition for processing the data has been collected
- Under what lawful basis processing is being carried out
- Where necessary, how it is retained and destroyed
- A general description of the technical and organisational security measures.

Clearly, in order to maintain these records good auditing processes must be followed, both at the start of the exercise and on-going throughout the lifetime of the requirement. Therefore audit logs will be kept to:

- provide evidence of the processing activity and the DPIA
- record where, how and to whom data has been shared

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- log the disposal and destruction of the data
- enable the School to target training at the most at-risk data
- record any breaches that impact on the data

In the event of a data breach, the data breach log will be filled in and the DPO will seek LA advice, and will report to the Information Commissioner’s Office based upon the local incident handling policy and communication plan. The new laws require that this notification should take place within 72 hours of the breach being detected, where feasible.

A Sinker
Headteacher

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