CURIOUS CHILDREN
GROWING MASSIVE MINDS

Maidenbower Junior School

Data Protection Policy

Approved by:	Head teacher, SLT, GDPR Officer and Full Governing Body	**Date:** May 2018
Last reviewed on:	March 2024	
Next review due by:	March 2025	
Version number:	4	

1. Written: May 2018
2. Updated as per County Policy: Sept 2021
3. Next review date March 2025

Introduction
On the 25th May 2018 the General Data Protection Regulation (GDPR) became applicable and the Data Protection Act 1998 (DPA) was updated by the new Data Protection Act 2018 giving effect to its provisions.

This Policy sets out the manner in which personal data of staff, students and other individuals is processed fairly and lawfully.

The School collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the School. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the School complies with its statutory obligations.

The School is a data controller and must therefore comply with the Data Protection Principles in the processing of personal data, including the way in which the data is obtained, stored, used, disclosed and destroyed. The School must be able to demonstrate compliance. Failure to comply with the Principles exposes the School and staff to civil and criminal claims and possible financial penalties.

Details of the School's purpose for holding and processing data can be viewed on the data protection register: https://ico.org.uk/esdwebpages/search

The Schools registration number is **Z7179165**. This registration is renewed annually and up dated as and when necessary.

Aim
This Policy will ensure:

- The School processes person data fairly and lawfully and in compliance with the Data Protection Principles.
- All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities under this policy.
- That the data protection rights of those involved with the School community are safeguarded.
- Confidence in the School's ability to process data fairly and securely.

Scope
This Policy applies to:

- Personal data of all School employees, governors, students, parents and carers, volunteers and any other person carrying out activities on behalf of the School.
- The processing of personal data, both in manual form and on computer.
- All staff and Governors.

The Data Protection Principles
The School will ensure that personal data will be:

1. Processed fairly, lawfully and in a transparent manner.

2. Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes.

3. Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed.

4. Accurate and, where necessary, kept up to date.

5. Kept in a form that permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

6. Processed in a way 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.

The School will be able to demonstrate compliance with these principles.

The School will have in place a process for dealing with the exercise of the following rights by Governors, staff, students, parents and members of the public in respect of their personal data:

- to be informed about what data is held, why it is being processed and who it is shared with;
- to access their data;
- to rectification of the record;
- to erasure;
- to restrict processing;
- to data portability;
- to object to processing;
- not to be subject to automated decision-making including
- profiling.

Roles and Responsibilities

The Governing Body of the School and the Head Teacher are responsible for implementing good data protection practices and procedures within the School and for compliance with the Data Protection Principles.

It is the responsibility of all staff to ensure that their working practices comply with the Data Protection Principles. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures forming part of this policy
A designated member of staff, the Data Protection Officer, will have responsibility for all issues relating to the processing of personal data and will report directly to the Head Teacher.

The Data Protection Officer will comply with responsibilities under the GDPR and will deal with subject access requests, requests for rectification and erasure, data security breaches. Complaints about data processing will be dealt with in accordance with the Schools Complaints Policy.

Data Security and Data Security Breach Management

All staff are responsible for ensuring that personal data which they process is kept securely and is not disclosed to any unauthorised third parties.

Access to personal data should only be given to those who need access for the purpose of their duties.

All staff will comply with the Schools Acceptable IT use Policy.

Staff who work from home must have particular regard to the need to ensure compliance with this Policy and the Acceptable IT use Policy.

Data will be destroyed securely in accordance with the 'Information and Records Management Society Retention Guidelines for Schools'.

New types of processing personal data including surveillance technology which are likely to result in a high risk to the rights and freedoms of the individual will not be implemented until a Privacy Impact Risk Assessment has been carried out.

The School will have in place a data breach security management process and serious breaches where there is a high risk to the rights of the individual will be reported to the Information Commissioner's Office (ICO) in compliance with the GDPR.

All staff will be aware of and follow the data breach security management process.

All staff will be aware of and comply with the list of Do's and Don'ts in relation to data security in Appendix A.

Subject Access Requests

Requests for access to personal data (Subject Access Requests)(SARs) will be processed by the Data Protection Officer. Generally, no fee is applicable. Records of all requests will be maintained.

The School will comply with the statutory time limits for effecting disclosure in response to a Subject Access Request. The statutory time period is one calendar month of receipt of the request.

Sharing data with third parties and data processing undertaken on behalf of the School.

Personal data will only be shared with appropriate authorities and third parties where it is fair and lawful to do so. Any sharing will be undertaken by trained personnel using secure methods. Where a third party undertakes data processing on behalf of the School e.g. by providing cloud based systems or shredding services, the School will ensure that there is a written agreement requiring the data to be processed in accordance with the Data Protection Principles.

Ensuring compliance

All new staff will be trained on the data protection requirements as part of their induction.

Training and guidance will be available to all staff.

All staff will read the Acceptable IT use Policy.

The School advises students whose personal data is held, the purposes for which it is processed and who it will be shared with. This is referred to as a "Privacy Notice" and is available on the School website.

The School also provides a Privacy Notice to staff which is available on the School website.

The School will ensure Privacy Notices contains the following information:

- Contact Data Controller and Data Protection Officer
- Purpose of processing and legal basis. Retentions period. Who we share data with.
- Right to request rectification, erasure, to withdraw consent, to complain, or to know about any automated decision making and the right to data portability where applicable.

Photographs, Additional Personal Data and Consents

Where the School seeks consents for processing person data such as photographs at events it will ensure that appropriate written consents are obtained. Those consent forms will provide details of how the consent can be withdrawn.

Where the personal data involves a child under 16 years written consent will be required from the adult with parental responsibility.

1. Written: May 2018
2. Updated as per County Policy: Sept 2021
3. Next review date March 2025

Appendix A

What staff should do:

DO get the permission of your manager to take any confidential information home.

DO transport information from school on secure computing devices (i.e. encrypted laptops and encrypted memory sticks). Wherever possible avoid taking paper documents out of the office.

DO use secure portable computing devices such as encrypted laptops and encrypted USB memory sticks when working remotely or from home.

DO ensure that any information on USB memory sticks is securely deleted off the device, or saved on a School shared drive.

DO ensure that all paper based information that is taken off premises is kept confidential and secure, ideally in a sealed envelope which indicates a return address if misplaced.

DO ensure that any confidential documents that are taken to your home are stored in a locked drawer.

DO ensure that paper based information and laptops are kept safe and close to hand when taken out of or off premises. Never leave them unattended. Particular care should be taken in public places (e.g. reading of documentation on public transport).

DO ensure that when transporting paper documentation in your car that it is placed in the boot (locked) during transit.

DO return the paper based information to the School as soon as possible and file or dispose of it securely.

DO report any loss of paper based information or portable computer devices to your line manager immediately.

DO ensure that all postal and e-mail addresses are checked to ensure safe dispatch of information. When sending personal information by post the envelope should clearly state 'Private – Contents for Addressee only'.

DO ensure that when posting/emailing information that only the specific content required by the recipient is sent.

DO use pseudonyms and anonymise personal data where possible.

DO ensure that access to SIMS (or equivalent) is restricted to appropriate staff only, that leavers are removed in a timely manner and that generic user names such as 'Sysman' are disabled.

What staff must not do:

DO NOT take confidential information to an entertainment or public place such as a pub or cinema, whether held on paper or an electronic device. Any information must be taken to the destination directly and never left unattended during the journey.

DO NOT unnecessarily copy other parties into e-mail correspondence.

DO NOT e-mail documents to your own personal computer.

DO NOT store work related documents on your home computer.

DO NOT leave personal information unclaimed on any printer or fax machine.

DO NOT leave personal information on your desk overnight, or if you are away from your desk in meetings.

DO NOT leave documentation in vehicles overnight.

DO NOT discuss case level issues at social events or in public places.

DO NOT put confidential documents in non-confidential recycling bins.

DO NOT print off reports with personal data (e.g. pupil data) unless absolutely necessary.

DO NOT use unencrypted memory sticks or unencrypted laptops

Dated: March 2024

Signed by: **Simon Pike**
Head Teacher

Signed by: 

Patricia Wright
Chair of Governors

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Appendix A

WHAT STAFF SHOULD DO TO AVOID A DATA BREACH:

DO	get the permission of your manager to take any confidential information home.
DO	transport information from school on secure computing devices (i.e. encrypted laptops and encrypted memory sticks). Wherever possible avoid taking paper documents out of the office.
DO	use secure portable computing devices such as encrypted laptops and encrypted USB memory sticks when working remotely or from home. **Remote access is always preferred**.
DO	ensure that any information on USB memory sticks is securely deleted off the device, or saved on a School shared drive – **Only use encrypted USB memory sticks**
DO	ensure that all paper based information that is taken off premises is kept confidential and secure, ideally in a sealed envelope which indicates a return address if misplaced.
DO	ensure that any confidential documents that are taken to your home are stored in a locked drawer.
DO	ensure that paper based information and laptops are kept safe and close to hand when taken out off premises. Never leave them unattended. Particular care should be taken in public places (e.g. reading of documentation on public transport) - **Never** include child data.
DO	ensure that when transporting paper documentation in your car, it is placed in the boot (locked) during transit.
DO	return the paper based information to the School as soon as possible and file or dispose of it securely. (We do have shredders in school or a confidential shredding postal box in the office).
DO	report any loss of paper based information or portable computer devices (including mobile phones with access to work emails) to your Line Manager or DPO **immediately.**
DO	ensure that all postal and **e-mail addresses** are checked to ensure safe dispatch of information. When sending personal information by post the envelope should clearly state 'Private – Contents for Addressee only' ('Addressee Only' Stampers are available from the School Office and the DPO).
DO	ensure that when posting/emailing information that only the specific content required by the recipient is sent.
DO	use pseudonyms and anonymise personal data where possible.
DO	ensure that access to SIMS (or equivalent) is restricted to appropriate staff only, that leavers are removed in a timely manner and that generic user names such as 'Sysman' are disabled.
DO	**lock all computers and laptops when leaving unattended AT ALL TIMES**
DO	always treat all incoming information, data etc as **confidential** whether this information is provided via telephone calls, emails or in person to a member of staff. A breach can still be made if disclosure is made to the wrong member of staff.
DO	Copy all 'personal data' pupil related emails into the Parent Emails folder under 'staff/staff/parent emails/year/pupils name. This does not include teacher homework or Friday Review emails.
DO	Use blind copy 'bcc' when bulk-emailing to parents. Teachers2Parents should be used wherever possible.

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DO	Transfer all telephone calls to the relevant personnel or their voicemails. Messages should **not** be written down if a phone voicemail is available and staff messages should be emailed wherever possible. (Teacher/Pupil end of day messages should be handed to the teacher directly).

WHAT STAFF MUST NOT DO:

DO NOT	take confidential or sensitive information to an entertainment or public place such as a pub or cinema, whether held on paper or an electronic device. Any information must be taken to the destination directly and never left unattended during the journey. **Any information is best accessed via remote access on a computer if possible.**
DO NOT	Never share log-in, password details etc, or allow other staff members to use your computer / system if you are logged in.
DO NOT	unnecessarily copy other parties into e-mail correspondence.
DO NOT	e-mail documents to your own personal computer.
DO NOT	store work related documents on your home computer.
DO NOT	leave personal / pupil data or information unclaimed on any printer or fax machine.
DO NOT	leave personal / pupil information on your desk overnight, or if you are away from your desk in meetings.
DO NOT	leave documentation in vehicles overnight.
DO NOT	discuss case level issues at social events or in public places.
DO NOT	put confidential documents in non-confidential recycling bins.
DO NOT	print off reports with personal / pupil data unless absolutely necessary.
DO NOT	use unencrypted memory sticks or laptops which are not password protected.
DO NOT	provide information to other schools, agencies, etc, unless specific instructions have been given. Always question whether this is a 'need to know' basis or ask the DPO.

All members of staff are accountable for ensuring that all papers, books, reports etc are kept confidential.

Data Protection Laws DO NOT stop you from reporting safeguarding concerns or issues

These must be reported to the Designated Safeguarding Leads wherever staff have concerns about a child. These **MUST NOT** be discussed with any other staff member.

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EMAIL GUIDELINES:

EMAILS	GUIDELINES
1.	Always use appropriate language and follow the school's standards for written communication.
2.	Always use initials for a pupil, especially in the subject heading. Unless encrypted, emails are not secure and the consequences of an email containing sensitive information being sent to an unauthorised person could be a civil penalty of up to £500,000.00 from the Information Commissioner. Where possible, confidential or sensitive information should only be sent by a secure encrypted email.
3.	All school emails are disclosable under the Freedom of Information and Data Protection legislation. Be aware that anything you write in an email could potentially be made public.
4.	Emails can remain in a system for a period of time after you have deleted them. You must remember that although you may have deleted your copy of the email, the recipients may not and therefore there will still be copies in existence. These copies could be disclosable under the Freedom of Information and Data Protection legislation.
5.	Always be aware that Agreements entered into by email can form a contract. You need to be aware of this if you enter into an agreement with anyone, especially parents, external contractors etc. If a member of staff agrees to 'do something', ie "I will send homework out", "I will phone to make an appointment"; this could be construed as a contractual agreement in the email and acted upon. Individual members of staff should not enter into agreements either with other members of staff internally or with external contractors unless they are authorised to do so.
6.	All attachments in an email should be saved into an appropriate electronic filing system or printed out and placed on paper files.
7.	Any employer has a right to monitor the use of email provided it has informed members of staff that it may do so. Monitoring the content of email messages is a more sensitive matter and if you intend to do this you will need to be able to prove that you have the consent of staff. If you intend to monitor staff email or telephone calls you should inform them how you intend to do this and who will carry out the monitoring.

WHAT STAFF MUST DO / NOT DO WITH EMAILS:

EMAILS	ACTIONS
1.	Sensitive / Confidential Emails – any emails within this category should be saved into CPOMS or in the pupil folder in staff / staff / parent emails. They can then be deleted from the original email source
2.	Any emails which can be construed as agreements **MUST** be saved. Please email these to LB for storage under the pupil's folder. eg. The class teacher agrees to send 5 spellings a week (= Contractual email)
3.	Homework – any emails in respect of homework (non-contractual) do not need to be saved. Ensure the homework attachment is printed or copied into a folder before deleting. Homework is saved on the website.

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4.	Office – parents must be advised to send emails through the office email address. Teacher replies can be sent via the year email addresses ie. (year)(class)@maidenbowerjunior.w-sussex.sch.uk. If these emails need to be saved either copy into the pupil's folder or forward to LB for saving. (These email addresses are 'non-reply' to parents, but have now been forwarded to the office email. All correspondence received via them will be forwarded to the relevant member of staff for response).

WHEN SHOULD STAFF SPEAK TO THE DATA PROTECTION OFFICER (DPO):

STEPS	ACTION
1.	If you have any concerns at all about keeping personal and pupil data safe.
2.	If you are using a new process or Policy that involves using personal and pupil data
3.	Anyone, including staff members, who request to see data that we, as a school, have on them. This is called a 'Subject Access Request'.

REPORTING A DATA BREACH:

STEPS	ACTION
1.	All Data Breaches **must** be reported **immediately** to the DPO for investigation and reporting, if needed. **NO** other staff members should be informed of the breach, as this in itself, could be construed as a breach of confidentiality. Please do not try to 'cover up' a breach as this may lead to a disciplinary within School. **There is a 72 hour time limit to investigate, process and report a breach**
2.	All phone calls, letters, or personal visits to report a data breach should be dealt with directly by the DPO so full information can be taken before the investigation begins.
3.	'Subject Access Request' – The DPO should be notified **immediately** a request is made. If a request is made in person or by telephone, this should be transferred to the DPO directly and no messages taken. **There is a time limit to investigate, process and produce the documentation**

I HEREBY CONFIRM THAT I HAVE UNDERSTOOD THE ABOVE INFORMATION AND INSTRUCTIONS AND WILL ABIDE BY THESE WHEN PROCESSING PERSONAL AND PUPIL DATA IN AND OUT OF SCHOOL

Signed ……..

Printed ……..

Dated ……

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