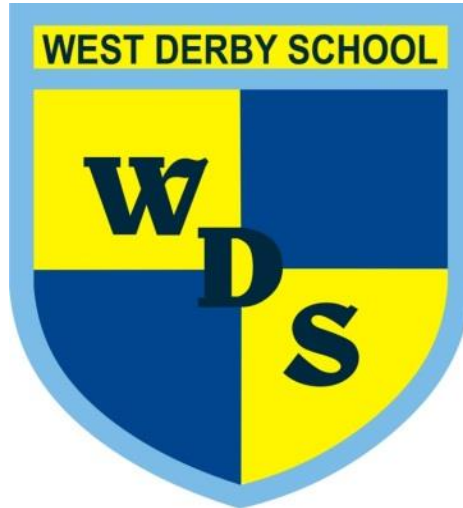


WEST DERBY SCHOOL



GDPR and PUPIL RECORDS PRIVACY POLICY

This policy will be reviewed	Annually
Last reviewed on	22 March 2023
Approved on:	27 March 2024
Next review date:	31 March 2025
Signed:	S Graham (Headteacher)
Signed:	K Hodgkiss (On behalf of the Trust Board)

1. Compliance

- 1.1. This policy meets the requirements of the General Data Protection Regulation (“UK GDPR”), the Data Protection Act 2018, and is based on guidance published by the Information Commissioner’s Office and model privacy notices published by the Department for Education.

2. About this policy

- 2.1. Our school processes personal information relating to pupils, staff, trustees and visitors, and, therefore, is a Controller.
- 2.2. The school is registered as a Controller with the Information Commissioner’s Office and renews this registration annually. The school’s registration number is: ZA140863.
- 2.3. This policy sets out the duties of West Derby School (“the School”) under each of the legislation provisions referred to in paragraph 1 of this policy, the responsible bodies/person for compliance and the procedures that will be applied.
- 2.4. During the course of its activities the School will process personal data (which may be held on paper, electronically, or otherwise) about the School’s staff (including temporary staff), agency workers, volunteers, pupils, their parents, guardians or carers, and other individuals (including suppliers and trustees).
- 2.5. The purpose of this policy is to make individuals (referred to as ‘data subjects’ under data protection law) aware of how the School will handle personal data of pupils, parents, guardians, and other individuals (including suppliers and trustees). Staff should refer to our separate Staff Privacy Policy and Privacy Notice for School Workforce regarding how we process Staff personal data.
- 2.6. The Trust Board also complies with ICO and DfE Guidance applicable from time to time.

3. Who is responsible for this policy

- 3.1. The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for data protection and freedom of information.
- 3.2. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the School’s Data Protection Officer.

4. Definitions

- 4.1. The definitions in this paragraph apply in this policy.

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identifiable

Term	Definition
Special categories of personal data (formerly sensitive)	Data such as: <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union • Physical and mental health • Sexual orientation and sex life • Biometric or genetic data
Criminal offence data	Data relating to criminal convictions and offences, including allegations.
Processing	This has a very wide definition and includes the following operations with personal data: Collection, Recording, Organisation, Structuring, Storage, Adaption, Retrieval, Consultation, Use, Disclosure by transmission, Dissemination or otherwise making available, Alignment or combination, Restriction, Erasure and/or Destruction.
Data subject	The living individual whose personal data is held or processed
Controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Processor	A person or organisation that processes personal data on behalf of a Controller.

5. Data protection and educational records

5.1. Data protection principles

5.1.1. The School will comply with the six data protection principles in the UK GDPR, which require that personal data must be:

- 5.1.1.1. processed lawfully, fairly and in a transparent manner;
- 5.1.1.2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

- 5.1.1.3. adequate, relevant and limited to what is necessary in relation to the purpose for which it is maintained;
- 5.1.1.4. accurate and, where necessary, kept up to date ;
- 5.1.1.5. not be kept in a form which permits identification for longer than is necessary for the purpose(s) for which it is processed; and
- 5.1.1.6. processed in a manner that ensures appropriate security of the data.

6. Fair, lawful and transparent processing

6.1. The School will only process personal data where it is based on one or more of the conditions specified in the UK GDPR. The most common conditions we rely on to process personal data are:

Conditions for Processing which we commonly rely on	
Personal Data	Special Category Personal Data
<ul style="list-style-type: none"> • The data subject has given consent to the processing for one or more specific purposes; • Processing is necessary for entering or performing a contract with the data subject; • Processing is necessary for compliance with a legal obligation to which the controller is subject; • Processing is necessary to protect the vital interests of the data subject; • Processing is necessary in order for the controller to perform a task in the public interest or for the controller’s official functions, and the task or function has a clear basis in law; or • Processing is necessary for the purposes of legitimate interests pursued by the data controller or by a third party where this does not relate to our “core function” of providing education. 	<ul style="list-style-type: none"> • The data subject has given explicit consent to the processing for one or more specific purposes; • Processing is necessary to protect the vital interests of the data subject or of another natural person, where the data subject is physically or legally incapable of giving consent; • Processing relates to personal data which are manifestly made public by the data subject; • Processing is necessary for reasons of substantial public interest; • Processing is necessary for the establishment, exercise or defence of legal claims; or

6.2. The full list of conditions is set out in Articles 6 and 9 of the UK GDPR and the School may in some circumstances rely on other conditions set out in the UK GDPR or Data Protection Act 2018 to justify the processing of personal data or special category personal data. The ICO’s website also has further information about the lawful conditions for processing.

7. Data Protection Act 2018

7.1. The UK has implemented the Data Protection Act 2018 to authorise the processing of criminal offence data and to give further conditions when relying on some of the Article 9 conditions for processing special categories.

7.2. The table below sets out the conditions that we may use in order to process criminal offence data and also the additional conditions for processing some of the special category data that the School holds.

Conditions for Processing	
Criminal Offence Data	Special Category Personal Data (DPA 2018 conditions)
<ul style="list-style-type: none"> • Employment, social security and social protection • Preventing or detecting unlawful acts • Preventing fraud • Counselling • Safeguarding of children and of individuals at risk • Consent • Protecting individual's vital interests • Personal data in the public domain • Administration of accounts used in commission of indecency offences involving children 	<ul style="list-style-type: none"> • Employment, social security and social protection • Research • Preventing or detecting unlawful acts • Preventing fraud • Support for individuals with a particular disability or medical condition • Counselling • Safeguarding of children and of individuals at risk •

8. Biometric data

8.1. We use cashless payments in our catering services. This requires finger scans to be taken to identify pupils to ensure that deductions are made to the correct credit account.

8.2. The School has a separate policy providing more detail on the use of biometric data, how we meet the requirements of data protection law and the Protection of Freedoms Act 2012.

9. How the School is likely to use personal data

9.1.1. The School will process data about pupils for the following (non-exhaustive) purposes:

9.1.1.1. for legal and administrative purposes;

- 9.1.1.2. to provide education and discharge the School's duty of care as an education provider;
 - 9.1.1.3. to provide pupils with a safe and secure environment and pastoral care;
 - 9.1.1.4. to provide activities including school trips, activity and after-school clubs;
 - 9.1.1.5. to support pupil learning;
 - 9.1.1.6. to monitor and report on pupil progress
 - 9.1.1.7. to provide academic and examination references;
 - 9.1.1.8. to enable the School to meet the its legal obligations under relevant legislation and Department for Education (DfE) Guidance in force from time to time;
 - 9.1.1.9. to maintain educational records;
 - 9.1.1.10. to monitor attendance;
 - 9.1.1.11. to maintain health and safety records;
 - 9.1.1.12. to collect opinions about ability and achievements;
 - 9.1.1.13. to obtain and retain details about personal / home life where this is relevant to provision of education to a data subject; and,
 - 9.1.1.14. to share information with other agencies when required.
- 9.1.2. The School may process special category personal data relating to pupils including, as appropriate:
- 9.1.2.1. information about a pupil's physical or mental health or condition (including but not limited to allergies and regular medications) in order to discharge the School's duty of care, provide non-emergency and emergency medical assistance and for special educational needs provision;
 - 9.1.2.2. provide applicable provision under an Education Health and Care Plan/Statement of Special Educational Needs;
 - 9.1.2.3. the pupil's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation or to ensure that religious or similar beliefs are respected; and/or,
 - 9.1.2.4. in order to comply with other legal requirements and obligations to third parties.

9.2. Parents, guardians, carers and other individuals (including suppliers and trustees)

- 9.2.1. The School may process data about parents, guardians, carers and other individuals (including suppliers and trustees) for the purpose of:
 - 9.2.1.1. providing education to pupils;

- 9.2.1.2. reporting on pupil progress;
- 9.2.1.3. maintaining emergency contact details in order to discharge the School's duty of care as an education provider;
- 9.2.1.4. organising training courses;
- 9.2.1.5. obtaining and retaining details about personal / home life where this is relevant to provision of education to pupils; and
- 9.2.1.6. discharging obligations under safeguarding and other relevant legislation.
- 9.2.1.7. It is very unlikely that the School will process sensitive personal data relating to parents, guardians, carers and other individuals (including suppliers and trustees). However, where this may be necessary, it may include, as appropriate:
 - 9.2.1.7.1. the parent, guardian, carer or other individual's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - 9.2.1.7.2. when there is relevant medical information needed for health and safety purposes including allergy information; and/or,
 - 9.2.1.7.3. in order to comply with other legal requirements and obligations to third parties.

10. Processing for specified, explicit and legitimate purposes

- 10.1. The School will only process personal data for the specific, explicit and legitimate purpose or purposes notified to data subjects and will not be further processed in any manner incompatible with that purpose or purposes.

11. Adequate, relevant and limited to what is necessary

- 11.1. Personal data will only be processed to the extent that it is relevant and necessary for the specific purposes notified to the data subject.

12. Accurate and when necessary, kept up to date

- 12.1. The School will keep the personal data the School stores about a data subject accurate and when necessary, kept up to date. Data that is inaccurate or out of date will be corrected or deleted without delay. Data subjects should notify the School if any personal details change or if the data subject becomes aware of any inaccuracies in the personal data the School holds about him/her.

13. Data retention

- 13.1. The School will not keep personal data for longer than is necessary for the purpose for which it is processed. Sometimes we are required by law to retain information for a specified period. After the retention period has lapsed, and there is no other legitimate reason to retain the information, the School will take steps to destroy it so that it is no longer processing it.

13.2. The School follows the IRMS retention guidance. It is designed to ensure personal data is deleted after a reasonable time, unless a law requires such personal data to be kept for a minimum time. The guidelines are published online and can be provided upon request.

14. Data security

14.1. The School will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Appropriate measures include:

14.1.1. Appropriate levels of authority being given to staff members where access to personal data is required;

14.1.2. Personal data is stored on the School's central computer system instead of individual PCs, laptops, tablet devices, mobile telephones etc;

14.1.3. Computers and laptops are not left unattended without locking their screens via password controls to prevent unauthorised access;

14.1.4. Personal Data is not carried off-site, except when it is legally necessary to do so. Where Personal Data needs to be carried off-site in paper form, for example a set of pupils' books for marking, staff must take extreme care. Keep physical documents in a secure, closed folder along with your contact details in case the folder is lost. Store the documents in a safe place at home – don't leave them in your car or at a friend's house.

14.1.5.

14.1.6. Ensuring our security procedures are followed, for example:

14.1.6.1. Lockable cabinets, drawers and cupboards;

14.1.6.2. Laptop and other mobile device / document encryption;

14.1.6.3. Laptop and other mobile device / document password protection;

14.1.6.4. Secure platform used for transferring electronic data (Egress);

14.1.6.5. Regular back-ups of the School's servers.

15. Sharing information with third parties

15.1. The School has in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. The School will only transfer personal data to a third party where the third party agrees to comply with those procedures and policies, or if they put in place adequate measures themselves.

15.2. Where the School uses a third party processor to process personal data on its behalf, it will have in place a written agreement with each processor which meets the requirements of Article 28 UK GDPR.

15.3. The School routinely shares pupil information with:

15.3.1. schools that the pupil attends after leaving us;

15.3.2. our local authority;

15.3.3. the Department for Education (DfE);

15.4 The School does not share information about pupils with anyone without consent unless the law and our policies allow us to do so.

15.4.1. The School will share information with multiple agencies which are formed as a team around a child or young person. These agencies will be controllers and be subject to the same obligations under data protection law as the School is. The School will be under a legal obligation to share most of the information that is relevant to the multi-agency team or will be required to do so in the performance of the school's public task.

15.4.2 The School is also legally required to pass certain information about pupils to specified external bodies, such as our local authority and the Department for Education (DfE), so that they are able to meet their statutory obligations. This data sharing underpins school funding and educational attainment policy and monitoring.

15.4.3 The School is required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

15.5 Once pupils reach the age of 13, the School also passes pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 14 Education and Skills Act 2008 (to enable the local authority to meet the requirements of section 507B of the Education Act 1996).

15.5.1 This enables them to provide services as follows:

- youth support services
- careers advisers

15.5.2 A parent, carer or guardian can request that certain information is not passed to their local authority or provider of youth support services by informing the School of their instruction. This right is transferred to the child / pupil once he/she reaches the age of 16.

15.5.3 The School will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people and how personal information will be used for these, please visit our local authority website.

15.6 The School will only transfer any personal data we hold to a country outside the United Kingdom, provided that one of the following conditions applies:

- The country ensures an adequate level of protection for the individuals' rights and freedoms;
- The individual has given consent;
- The transfer is necessary for one of the conditions set out in the UK GDPR (e.g. for the performance of a contract between us and the individual, or to protect the vital interests of the individual);
- The transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims; or
- The transfer is authorised by the Information Commissioner where we have adduced adequate safeguards with respect to the protection of the data subjects' privacy, their fundamental rights and freedoms, and the exercise of their rights

16 Processing in line with subject access rights

16.1 Individuals have the following rights:

Right	What it is for?
To be informed	This policy and any accompanying privacy notice sets out the information about how the School processes personal data about pupils and parents. It will be reviewed annually to ensure we are as transparent as possible about the personal data that we process.
Rectification	If the School is processing an inaccurate record about an individual they have the right to request that we review it and rectify it so as to make it accurate. This only extends to factual information being processed about an individual.
Erasure	If the School has no compelling reason to process data about an individual, there is a right for the data to be erased and processed no further. This is not an absolute right and the School will consider requests on a case by case basis.
Restrict processing	This right complements the right to rectification. Processing of personal data can be restricted whilst the School considers if any records are inaccurate or an objection has been raised about the personal data that it is processing.
Data portability	This enables individuals to seek (in certain circumstances) information which they have provided to the School and which is being processed through automated means based on their consent or for the performance of a contract to have it transmitted in machine readable form to the individual or a third party. It is unlikely that this right will apply to the information which the School processes about parents and pupils. It could extend to images

Right	What it is for?
	processed by the School when the lawful condition relied upon is consent.
To object	When the School is processing personal data about pupils and parents for the performance of a task in the public interest those individuals have the right to object to processing. The School will consider any objection but may be able to demonstrate a legitimate ground to continue to process the personal data concerned.
Withdraw consent to Processing at any time where we have relied on consent to conduct the Processing	We seek and rely on Consent in very limited circumstances, which include processing pupil images on our website, school prospectus and social media. If Consent is relied upon, the Data Subject must be easily able to withdraw their Consent to Processing at any time and withdrawal must be promptly honoured. Pupils who wish to exercise their right to withdraw consent (or their parents/carers if applicable) should contact their PPL in the first instance.
To know about any automated decision making and profiling	The School will inform individuals when it uses any automated decision making processes. Individuals are entitled to request that automated decisions involving them are reviewed by human intervention. We profile pupils' performance to ensure that the school can meet their educational needs.

17 Subject access requests

- 17.1 Under the data protection law, pupils who are deemed competent by the School have a right to request access to information the School holds about them. This is known as a subject access request. For a parent to make a subject access request on behalf of a pupil, the pupil must either be unable to understand their rights and the implications of a subject access request, or have given their consent.
- 17.2 Subject access requests must be submitted in writing, either by letter, or email to the School's Data Protection Officer ("DPO"). The e-mail address of the DPO is a.card@westderbyschool.co.uk . Requests should include:
- The pupil's name
 - A correspondence address
 - A contact number and email address
 - Details about the information requested to assist the school to confirm if the personal data is being processed and to provide a copy within the time period afforded
- 17.3 The School will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child
- Third party personal data where there is no consent to disclose this in response to a subject access request and it would not be reasonable in the circumstances to do so.

17.4 If the request is complex or numerous the School has the right to determine that up to a further 2 months is required to respond to a subject access request. The DPO will write to the data subject within a month of their written request to set out the reasons why the time is being extended.

17.5 If the request is determined to be manifestly unfounded or excessive, the School has the right to either charge a fee to reflect the administrative costs of providing the response or to refuse to provide a response. In the event that such a determination is made, the DPO will write to set out the School's reasons within a month of the written request being made.

18 Data Protection Officer ("DPO")

18.1 The School has appointed a Data Protection Officer who has overall responsibility for the School's policies and procedures relating to data privacy. The Data Protection Officer should be the first point of contact for individuals in the following situations:

18.1.1 Where individuals have any concerns, or require clarification, about the School's obligations regarding data privacy and how we hand data;

18.1.2 To report a data breach or potential data breach;

18.1.3 Where an individual has any feedback or suggestions about how the School can improve its data privacy and/or security procedures;

18.1.4 Where an individual wishes to make a subject access request or exercise one of their other data privacy rights.

18.2 The Data Protection Officer is: Tony Card.

18.3 The Data Protection Officer's contact details are: Telephone - 0151 235 1300; Email - a.card@westderbyschool.co.uk; Postal address - West Derby School, 364 West Derby Road, L13 7HQ.

19 Breaches of data protection and complaints

19.1 If an individual considers that this policy has not been followed in respect of personal data about a data subject he/she should raise the matter with the Data Protection Officer in the first instance.

19.2 Compliance with data protection law is regulated by the Information Commissioner. In the event that you are not satisfied with the way in which the School is processing your personal data and you are not content with the response from our DPO, you have the right to refer your concerns to the Information Commissioner's Office ("ICO"). You can contact the ICO at <https://ico.org.uk/concerns/> or via its helpline number which is available on its website.