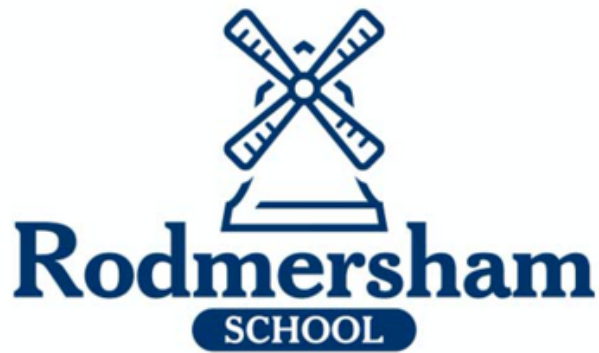


Data Protection and Privacy Notice/GDPR Policy 2023 - 2024



TO BE REVIEWED SEPTEMBER 2024

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Statement of intent

Rodmersham Primary School must keep and process certain information about its staff members and pupils per its legal obligations under the General Data Protection Regulation (GDPR).

From time to time, the school may be required to share personal information about its staff or pupils with other organisations, mainly the LA, other schools and educational bodies, and potentially children's services.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the school complies with the following core principles of the GDPR.

Organisational methods for keeping data secure are imperative, and Rodmersham Primary School believes that it is good practice to have clear, practical policies backed up by written procedures.

This policy complies with the requirements set out in the GDPR, which will come into effect on 25 May 2018. The government have confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

1. Legal framework

1.1. This policy has due regard to legislation, including, but not limited to the following:

- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998

1.2. This policy will also have regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

1.3. This policy will be implemented in conjunction with the following other school policies:

- E-safety acceptable user policy
- Freedom of Information Policy

2. Applicable data

2.1. For this policy, **personal data** refers to information related to an identifiable, living individual, including information such as an online identifier, e.g., an IP address. The GDPR applies to both automated personal data and manual filing systems, where personal data is accessible according to specific criteria, as well as chronologically ordered data and pseudonymised data, e.g., key-coded.

Sensitive personal data is referred to in the GDPR as 'special categories of personal data', broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include the processing of genetic data, biometric data and data concerning health matters

3. Principles

3.1. In accordance with the requirements outlined in the GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that inaccurate personal data, regarding the purposes for which they are processed, are erased or rectified without delay.
- 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 more extended 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, subject to the implementation of the appropriate technical and organisational measures required by the GDPR to safeguard the rights and freedoms of individuals.
- It is processed 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.

3.2. The GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with the principles”.

4. Accountability

4.1. Internal records of processing activities will include the following:

- Name and details of the organisation
- Purpose(s) of the processing
- Description of the categories of individuals and personal data
- Retention schedules
- Categories of recipients of personal data
- Description of technical and organisational security measures

- Details of transfers to third countries, including documentation of the transfer mechanism safeguards in place
- 4.2. The school will implement measures that meet the principles of data protection by design and data protection by default, such as:
- Data minimisation.
 - Pseudonymisation.
 - Transparency.
 - Allowing individuals to monitor processing.
 - Continuously creating and improving security features.
- 4.3. Data protection impact assessments will be used where appropriate.

5. Data Protection Officer (DPO)

- 5.1. A DPO will be appointed to:
- Inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws.
 - Monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.
- 5.2. An existing employee will be appointed to the role of DPO provided that their duties are compatible with those of the DPO and do not lead to a conflict of interest. Our DOP is Nicola Ikuasen.
- 5.3. The individual appointed as DPO will have professional experience and knowledge of data protection law, particularly in relation to schools.
- 5.4. The DPO will report to the highest level of management at the school, which is the headteacher.
- 5.5. The DPO will operate independently and not be dismissed or penalised for performing their task.
- 5.6. Sufficient resources will be provided to the DPO to enable them to meet their GDPR obligations.

6. Lawful processing

- 6.1. The legal basis for processing data will be identified and documented prior to data being processed.
- 6.2. Under the GDPR, data will be lawfully processed under the following conditions:
- The consent of the data subject has been obtained.

- Processing is necessary for:
 - Compliance with a legal obligation.
 - The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
 - For the performance of a contract with the data subject or to take steps to enter into a contract.
 - Protecting the vital interests of a data subject or another person.
 - For the purposes of legitimate interests pursued by the controller or a third party, except where the interests, rights or freedoms of the data subject override such interests. (This condition is not available to processing undertaken by the school in the performance of its tasks.)

6.3. Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law.
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.
- The processing relates to personal data manifestly made public by the data subject.
- Processing is necessary for:
 - Carrying out obligations under employment, social security or social protection law, or a collective agreement.
 - Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.
 - The establishment, exercise or defence of legal claims or where courts act in their judicial capacity.
 - Reasons of substantial public interest, on the basis of Union or Member State law, that are proportionate to the aim pursued and that contain appropriate safeguards.

The purposes of preventative or occupational medicine are for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management, health or social care systems and services based on Union or Member State law or a contract with a health professional.

- Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and medicinal products or medical devices.
- Archiving purposes in the public interest, scientific and historical

research purposes or statistical purposes in accordance with Article 89(1).

7. Consent

- 7.1. Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- 7.2. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- 7.3. Where consent is given, a record will be kept documenting how and when consent was given.
- 7.4. The school ensures that consent mechanisms meet the GDPR standards. Where the consent standard cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.
- 7.5. Consent accepted under the DPA will be reviewed to ensure it meets the GDPR standards; however, acceptable consent obtained under the DPA will not be reobtained.
- 7.6. The individual can withdraw consent at any time.
- 7.7. Parents' consent will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

8. The right to be informed

- 8.1. The privacy notice supplied to individuals regarding the processing of their data will be written in clear, plain language that is concise, transparent, easily accessible, and free of charge.
- 8.2. If services are offered directly to a child, the school will ensure that the privacy notice is written in a clear, plain manner that the child will understand.
- 8.3. About data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:
 - The identity and contact details of the controller (and, where applicable, the controller's representative) and the DPO.
 - The purpose of, and the legal basis for, processing the data.
 - The legitimate interests of the controller or third party.
 - Any recipient or categories of recipients of the personal data.

- Details of transfers to third countries and the safeguards in place.
 - The retention period of criteria used to determine the retention period.
 - The existence of the data subject's rights, including the right to:
 - Withdraw consent at any time.
 - Complain with a supervisory authority.
 - The existence of automated decision-making, including profiling, how decisions are made, the significance of the process and the consequences.
- 8.4. Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement and any possible consequences of failing to provide the personal data will be provided.
- 8.5. Where data is not obtained directly from the data subject, information regarding the categories of personal data that the school holds, the source from which the personal data originates, and whether it came from publicly accessible sources will be provided.
- 8.6. This information will be supplied at the time the data is obtained directly from the data subject.
- 8.7. About data that is not obtained directly from the data subject, this information will be supplied:
- Within one month of obtaining the data,
 - If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.
 - If the data are used to communicate with the individual, at the latest, when the first communication occurs.

9. The right of access

- 9.1. Individuals have the right to obtain confirmation that their data is being processed.
- 9.2. Individuals have the right to submit a subject access request (SAR) to access their personal data and verify the lawfulness of the processing.
- 9.3. The school will verify the identity of the person requesting before any information is supplied.
- 9.4. A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.
- 9.5. Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

- 9.6. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged.
- 9.7. All fees will be based on the administrative cost of providing the information.
- 9.8. All requests will be responded to immediately and, at the latest, within one month of receipt.
- 9.9. In the event of numerous or complex requests, the period of compliance will be extended by two more months. Within one month of receiving the request, the individual will be informed of this extension and will receive an explanation of why it is necessary.
- 9.10. Where a request is manifestly unfounded or excessive, the school has the right to refuse to respond. The individual will be informed of this decision and its reasoning, their right to complain to the supervisory authority and a judicial remedy within one month of the refusal.
- 9.11. If a large quantity of information is being processed about an individual, the school will ask the individual to specify the information the request concerns.

10. The right to rectification

- 10.1. Individuals are entitled to have any inaccurate or incomplete personal data rectified.
- 10.2. Where the personal data has been disclosed to third parties, the school will inform them of the rectification where possible.
- 10.3. Where appropriate, the school will inform the individual about the third parties to whom the data has been disclosed.
- 10.4. Requests for rectification will be responded to within one month; this will be extended by two months, when the request for rectification is complex.
- 10.5. Where no action is being taken in response to a request for rectification, the school will explain the reason for this to the individual. It will inform them of their right to complain to the supervisory authority and to a judicial remedy.

11. The right to erasure

- 11.1. Individuals hold the right to request the deletion or removal of personal data without compelling reason for its continued processing.
- 11.2. Individuals have the right to erasure in the following circumstances:
 - Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
 - When the individual withdraws their consent

- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
 - The personal data was unlawfully processed
 - The personal data is required to be erased in order to comply with a legal obligation
 - The personal data is processed in relation to the offer of information society services to a child
- 11.3. The school has the right to refuse a request for erasure where the personal data is being processed for the following reasons:
- To exercise the right of freedom of expression and information
 - To comply with a legal obligation for the performance of a public interest task or exercise of official authority
 - For public health purposes in the public interest
 - For archiving purposes in the public interest, scientific research, historical research or statistical purposes
 - The exercise or defence of legal claims
- 11.4. As a child may not fully understand the risks involved in data processing when consent is obtained, special attention will be given to existing situations where a child has given permission to processing, and later request the erasure of the data, regardless of age at the time of the request.
- 11.5. Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data unless it is impossible or involves a disproportionate effort to do so.
- 11.6. Where personal data has been made public within an online environment, the school will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

12. The right to restrict processing

- 12.1. Individuals have the right to block or suppress the school's processing of personal data.
- 12.2. If processing is restricted, the school will store the personal data but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.
- 12.3. The school will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until the school has verified the accuracy of the data
 - An individual has objected to the processing, and the school considers whether their legitimate grounds override those of the individual.
 - Where the processing is unlawful, and the individual opposes erasure and requests restriction instead
 - The school no longer needs the personal data, but the individual requires the data to establish, exercise or defend a legal claim.
- 12.4. If the personal data in question has been disclosed to third parties, the school will inform them about the restriction on the processing of the personal data unless it is impossible or involves disproportionate effort to do so.
- 12.5. The school will inform individuals when a restriction on processing has been lifted.

13. The right to data portability

- 13.1. Individuals have the right to obtain and reuse their data for their own purposes across different services.
- 13.2. Personal data can be easily moved, copied or transferred from one IT environment to another safely and securely without hindrance to usability.
- 13.3. The right to data portability only applies in the following cases:
- Personal data that an individual has provided to a controller
 - Where the processing is based on the individual's consent or for the performance of a contract
 - When processing is carried out by automated means
- 13.4. Personal data will be provided in a structured, commonly used, machine-readable form.
- 13.5. The school will provide the information free of charge.
- 13.6. Where feasible, data will be transmitted directly to another organisation at the individual's request.
- 13.7. The school is not required to adopt or maintain processing systems which are technically compatible with other organisations.
- 13.8. If the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual.

- 13.9. The school will respond to any requests for portability within one month
- 13.10. Where the request is complex, or several requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of receipt.
- 13.11. Where no action is being taken in response to a request, the school will explain to the individual the reason for this without delay and at the latest within one month and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

14. The right to object

- 14.1. The school will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.
- 14.2. Individuals have the right to object to the following:
- Processing based on legitimate interests or the performance of a task in the public interest
 - Direct marketing
 - Processing for purposes of scientific or historical research and statistics.
- 14.3. Where personal data is processed for the performance of a legal task or legitimate interests:
- An individual's grounds for objecting must relate to his or her situation.
 - The school will stop processing the individual's data unless the processing is for the establishment, exercise or defence of legal claims or where the school can demonstrate compelling legitimate grounds for the processing, which override the individual's interests, rights and freedoms.
- 14.4. Where personal data is processed for direct marketing purposes:
- Once an objection is received, the school will stop processing personal data for direct marketing.
 - The school cannot refuse an individual's objection regarding data being processed for direct marketing.
- 14.5. Where personal data is processed for research purposes:
- The individual must have grounds relating to their particular situation to exercise their right to object.

- Where the processing of personal data is necessary for the performance of a public interest task, the school is not required to comply with an objection to the processing of the data.
- 14.6. Where the processing activity is outlined above but is carried out online, the school will offer a method for individuals to object online.

15. Automated decision-making and profiling

- 15.1. Individuals have the right not to be subject to a decision when:
- It is based on automated processing, e.g. profiling.
 - It produces a legal effect or a similarly significant effect on the individual.
- 15.2. The school will take steps to ensure that individuals can obtain human intervention, express their point of view, and obtain an explanation of the decision and challenge it.
- 15.3. When automatically processing personal data for profiling purposes, the school will ensure that the appropriate safeguards are in place, including:
- Ensuring processing is fair and transparent by providing meaningful information about the logic involved, significance, and predicted impact.
 - Using appropriate mathematical or statistical procedures.
 - Implementing appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors.
 - Securing personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.
- 15.4. Automated decisions must not concern a child or be based on the processing of sensitive data unless:
- The school has the explicit consent of the individual.
 - The processing is necessary for reasons of substantial public interest based on Union/Member State law.

16. Privacy by design and privacy impact assessments

- 16.1. The school will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures that demonstrate how it has considered and integrated data protection into processing activities.
- 16.2. Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with the school's data protection obligations and meeting individuals' expectations of privacy.

- 16.3. DPIAs will allow the school to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to the school's reputation, which might otherwise occur.
- 16.4. A DPIA will be carried out when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.
- 16.5. A DPIA will be used for more than one project, where necessary.
- 16.6. High-risk processing includes, but is not limited to, the following:
 - Systematic and extensive processing activities, such as profiling
 - Large-scale processing of special categories of data or personal data which is in relation to criminal convictions or offences
 - The use of CCTV.
- 16.7. The school will ensure that all DPIAs include the following information:
 - A description of the processing operations and the purposes
 - An assessment of the necessity and proportionality of the processing in relation to the purpose
 - An outline of the risks to individuals
 - The measures implemented to address risk
- 16.8. Where a DPIA indicates high-risk data processing, the school will consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

17. Data breaches

- 17.1. The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, or unauthorised disclosure of, or access to, personal data.
- 17.2. The headteacher will ensure that all staff members are aware of and understand what constitutes a data breach as part of their CPD training.
- 17.3. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.
- 17.4. All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of the school's awareness.
- 17.5. The risk of the breach having a detrimental effect on the individual and the need to notify the relevant supervisory authority will be assessed on a case-by-case basis.
- 17.6. If a breach is likely to result in a high risk to an individual's rights and

freedoms, the school will notify those concerned directly.

- 17.7. A 'high risk' breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.
- 17.8. The public will be notified without undue delay if a breach is sufficiently severe.
- 17.9. Practical and robust breach detection, investigation, and internal reporting procedures are in place at the school, which facilitate decision-making regarding whether the relevant supervisory authority or the public needs to be notified.
- 17.10. Within a breach notification, the following information will be outlined:
 - The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
 - The name and contact details of the DPO
 - An explanation of the likely consequences of the personal data breach
 - A description of the proposed measures to be taken to deal with the personal data breach
 - Where appropriate, a description of the measures taken to mitigate any possible adverse effects
- 17.11. Failure to report a breach when required to do so may result in a fine and a fine for the violation itself.

18. Data security

- 18.1. Confidential paper records will be kept in a locked filing cabinet, drawer or safe with restricted access.
- 18.2. Confidential paper records will not be left unattended or in clear view anywhere with general access.
- 18.3. Digital data is coded, encrypted or password-protected, both on a local hard drive and a network drive regularly backed up off-site.
- 18.4. Where data is saved in removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer, or safe when not in use.
- 18.5. Memory sticks will not hold personal information unless password-protected and fully encrypted.
- 18.6. All electronic devices are password-protected to protect the information on the device in case of theft.
- 18.7. Where possible, the school enables electronic devices to allow the remote blocking or deleting of data in case of theft.
- 18.8. Staff and governors will not use their laptops or computers for school purposes

unless they are personally password-protected and fully encrypted.

- 18.9. All necessary staff members are provided with their own secure login and password, and every computer regularly prompts users to change their passwords.
- 18.10. Emails containing sensitive or confidential information are password-protected if there are insecure servers between the sender and the recipient.
- 18.11. Circular emails to parents are sent blind carbon copies (bcc), so email addresses are not disclosed to other recipients.
- 18.12. When sending confidential information by fax, staff will always check that the recipient is correct.
- 18.13. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same security procedures, e.g., keeping devices under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.
- 18.14. Before sharing data, all staff members will ensure:
 - They are allowed to share it.
 - That adequate security is in place to protect it.
 - Who will receive the data has been outlined in a privacy notice.
- 18.15. Visitors are not allowed to access confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times.
- 18.16. The physical security of the school's buildings and storage systems and access to them are reviewed on a termly basis. If an increased risk of vandalism, burglary, or theft is identified, extra measures to secure data storage will be taken.
- 18.17. Rodmersham Primary School takes its duties under the GDPR seriously, and any unauthorised disclosure may result in disciplinary action.
- 18.18. The school business manager (SBM) is responsible for continuity, and recovery measures are in place to ensure protected data security.

19. Publication of information

- 19.1. Rodmersham Primary School publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:
 - Policies and procedures
 - Minutes of meetings

- Annual reports
 - Financial information
- 19.2. Classes of information specified in the publication scheme are made available quickly and easily on request.
- 19.3. Rodmersham Primary School will not publish any personal information, including photos, on its website without the permission of the affected individual or if it is a child of their parents.
- 19.4. When uploading information to the school website, staff should consider any metadata or deletions that could be accessed in documents and images on the site.

20. Photography

- 20.1. The school understands that recording images of identifiable individuals constitutes processing personal information, so it does so in accordance with data protection principles.
- 20.2. The school will always indicate its intentions to take photographs of pupils and will obtain permission before publishing them.
- 20.3. If the school wishes to use images or video footage of pupils in a publication, such as the school website, prospectus, or recordings of school plays, written permission from the pupil's parent will be sought for the usage.
- 20.4. Precautions, as outlined in the Photographic Images Policy, are taken when publishing photographs of pupils in print, video or on the school website.
- 20.5. Images captured by individuals for recreational/personal purposes and videos made by parents for family use are exempt from the GDPR.

21. Data retention

- 21.1. Data will not be kept for longer than is necessary.
- 21.2. Unrequired data will be deleted as soon as practicable.
- 21.3. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons and to enable the provision of references or academic transcripts.
- 21.4. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed once the data should no longer be retained.

22. DBS data

- 22.1. All data provided by the DBS will be handled in accordance with data protection legislation, including electronic communication.
- 22.2. Data provided by the DBS will never be duplicated.
- 22.3. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler

Fearless

Family

Fairness