

# General Data Protection Regulation Policy

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General Data Protection Regulation (GDPR)

## **Our Commitment:**

Embleton View is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA).

<https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

The member(s) of staff responsible for data protection is Craig Bell (Director of Operations).

The school is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

## **Notification:**

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified immediately to the individual(s) concerned and the ICO.

## **Personal and Sensitive Data:**

All data within the school's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance:

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The personal data of each student is gathered upon the student accepting a place at Embleton View. The data is stored in each student's personal folder within the Drive.

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The personal data stored includes:

- Name
- Address
- Gender
- Date of Birth
- Name and contact details of parent / guardian
- Religion
- Ethnic Origin

Additional documentation containing sensitive data about the student include:

- Education, Health and Care Plans
- Behaviour Reports
- Referrals and reports to mental health agencies
- Educational progress
- Medical information
- Details of GP
- Prior information from previous schools

Each student's personal data is also stored on the CPOMS behaviour logging system. These systems are managed by a 3<sup>rd</sup> party (CPOMS) who are GDPR compliant.

These documents are available upon request to be shared with the parent of the individual student, with other professionals (e.g social workers) or the student. Specific information may also be shared with multi-disciplinary teams for such instances as safeguarding or police investigations.

Consent will be agreed by the student's parent or guardian and information will be made available via the school website.

### **Staff Information:**

Embleton View processes data relating to those we employ, or otherwise engage, to work at our school. Staff personal data that we may collect, use, store and share (when appropriate) includes, but is not restricted to:

- personal information (such as name, address, date of birth, telephone number, marital status, gender, employee or teacher number, next of kin and emergency contact details, nationality and ethnicity, religious beliefs and sexual orientation)
- Information gathered in the recruitment process (copies of identification, information relating to Children's barred list/teacher prohibition list or prohibition from management lists, criminal record information declared and/or listed on DBS certificate, entitlement to work in the UK, employment history and references, qualifications, medical conditions declared in Health Questionnaire and medical self-declaration form)
- Photographs (for ID badges and for the staff notice boards)
- Records of training and development
- Information gathered in order to drive for work and to obtain insurance cover on School vehicles (copy of driving licence, DVLA licence check information, motoring convictions, accidents, losses)

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and incidents history, personal vehicle registration number, personal vehicle tax and MOT status, CCJs and bankruptcy and previous insurance refused or special terms information)

- Information gathered in order to process payroll and pensions (bank account details, payroll records, National Insurance number, tax status information including P45 and P60, salary and benefits)
- Work absence and leave records (such as number of and reason for absences, type of absence/leave e.g. sickness absence, annual leave, special leave, parental leave and family leave)
- Contract information (such as the terms and conditions of employment; start dates, hours and days worked, roles and salary, including entitlement to benefits such as pensions)
- Details of any disciplinary or grievance procedures in which employees have been involved, including any warnings issued to you which are current and related correspondence
- Assessments of performance, including performance monitoring plans and related correspondence
- Data about employee use of the schools' information and communication system.
- CCTV footage

Data is collected through application forms; obtained from employee passports or other identity documents; from forms completed by employees at the start of or during employment; from correspondence with employees; or through interviews, meetings or other assessments (for example, supervisions, probation meetings and appraisals). In some cases, we collect personal data about employees from third parties. For example, references supplied by former employers and/or information from criminal records checks (DBS checks) permitted by law.

Whilst the majority of information employees provide to us is mandatory, there is some information that employees can choose whether or not to provide to us. In order to comply with GDPR, whenever we seek to collect information from employees, we make it clear whether they must provide this information, or whether the provision is voluntary.

We use employee data to:

- to enable us to meet our contractual and legal obligations
- process of payroll and pensions
- maintain accurate and up-to-date employment records
- facilitate safer recruitment, as part of our safeguarding obligations towards students
- support effective performance management in line with the School's policies
- enable equalities and equal opportunities monitoring

All employees are explicitly informed of the purpose of gathering all personal and sensitive data, and provide consent where required, either verbally or via signature for all data gathered.

We only collect and use employee personal information when the law allows us to. If an employee fails to provide the personal information requested, amongst other things we may not be able to provide them with employment or a service for which they may be entitled/requested. The legal basis for the use of employee personal data will be one or more of the following:

- to satisfy our legal obligations and statutory duties as an employer

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- to carry out a task in the public interest or in the exercise of official authority in our capacity as a School
- to meet our contractual obligations in relation to written terms and conditions of employment with us

Less commonly, we may also use employee personal information where:

- Consent is given to use it in a certain way
- We need to protect an employee's vital interests (or someone else's interests)
- We have legitimate interests in processing the data – in providing a reference for an employee required as part of safer recruitment

Some of the reasons listed above for collecting and using employee personal information overlap, and there may be several grounds which justify the School's use of employee data.

Where we are processing employee personal data with their consent, employees have the right to withdraw that consent.

Data is stored in:

- the employee personnel file, which is kept in a locked filing cabinet
- the single central record, on the School drive
- the payroll provider programme
- other IT systems, including the School's email system, CPOMS.

The information is kept secure and is only used for purposes directly relevant to employment, accessible only by those who need to use the data and have authority to do so. Employees may access to their file at any time to ensure that all information is up to date.

We do not share employee information without consent unless the law and our policies allow us to do so. Where it is legally required or necessary (and it complies with data protection law) we may share personal information about employees with:

- Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and staff who are allocated to specific students
- The Department for Education- to meet our legal obligations to share information concerning appointed Headteacher and Proprietors
- Your family or representatives- to carry out our public task in the event of an emergency
- Other staff members- to carry out our public tasks, for example having access to your school email address so that information can be shared effectively
- Our regulator Ofsted, in order to comply with our public task
- Suppliers and service providers – to enable them to provide the service we have contracted them for, such as accountancy and therapy/additional educational services provided to students
- Police forces, courts, tribunals- to meet our legal obligations to share certain information with it, such as safeguarding concerns or to carry out our public task in relation to a tribunal.
- Employment and recruitment agencies- to meet the public task of supplying requested references.
- Financial Organisations – for example, completing mortgage reference forms
- Educators and examining bodies

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- Health Authorities
- Professional Advisors and consultants
- Charities and voluntary organisations
- Professional bodies

The principles of the Data Protection Act shall be applied to all data processed:

1. Processed fairly and lawfully
2. Obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes
3. Accurate and, where necessary, kept up to date,
4. Adequate, relevant and not excessive in relation to the purposes for which it is processed
5. Not kept for longer than is necessary for those purposes
6. Processed in accordance with the rights of data subjects under the DPA
7. Protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage
8. Not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information
9. Not used by employees for any purpose outside of ALD Group Ltd

#### **Fair Processing / Privacy Notice:**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and pupils prior to the processing of individual's data.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/>

The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

#### **Data Security:**

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In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>  
<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacy-impact-assessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and these organisations shall provide evidence of the competence in the security of shared data.

All information is stored using the Google Drive online secure storage cloud system. Staff access the system using company laptops. Laptop security includes;

- Windows 10 Professional with Bitlocker Encryption
- McAfee Livesafe Total Protection
- Staff log onto laptops with individual Microsoft account with company user name and password
- Staff log into Google Drive using company email address and own password

Additional security measures include a routine forced password change. Craig Bell also has admin access to suspend or delete accounts to prevent access.

#### **Data Access Requests (Subject Access Requests):**

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within 40 days and they should be made in writing to Gary Robinson (Head Teacher)

A charge may be applied to process the request.

<https://ico.org.uk/media/for-organisations/documents/1586/personal-information-online-small-business-checklist.pdf>  
<https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf>

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### **Photographs and Video:**

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only.

Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources.

It is the school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

### **Data Disposal:**

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.



All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

[https://ico.org.uk/media/for-organisations/documents/1570/it\\_asset\\_disposal\\_for\\_organisations.pdf](https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf)

All IT Assets to be destroyed must be handed to **Craig Bell**. The school uses CDL (Computer Disposals Limited, <http://www.computerdisposals.co.uk>, 01925 730 033 ) for the disposal of all IT assets. All CDL accreditation has been confirmed.

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Graeme Turner (Proprietor)	Craig Bell (Proprietor)
Date: 02/03/18	Date: 02/03/18, 7/7/19, 22/7/20, 28.07.21, 20.5.22, 12.06.23

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