



BISHOP VESEY'S GRAMMAR SCHOOL Data Protection Policy

Staff covered by this procedure:	Teaching and Support Staff , Trustees, Members of the Academy and Volunteers
Review prepared by:	Finance Director and School Business Manager – Graham Swindells
Reviewed by and date:	Full Board July 2019
Date of Next Review/by whom	Spring 2020 by Full Board
Signed by Chair of Governors	

1. INTRODUCTION

- 1.1 Bishop Vesey's Grammar School collects and uses certain types of personal information about staff, pupils, parents, Governors, volunteers and other individuals who come into contact with the School in order to provide education and associated functions. The School may be required by law to collect and use certain types of information to comply with statutory obligations.
- 1.2 This policy is written with the United Nations Convention of the Rights of The Child in Mind. All of our policies bear in mind Articles 3 and 28 - the child's best interests and the right of the child to an education. This policy also bears in mind articles 2, 16 (not subject to attacks on privacy), 19, 34 and 36.
- 1.3 This policy is to be considered in conjunction with the School's Freedom of Information Policy and the School's Retention Policy and associated schedule.
- 1.4 This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulations (GDPR), the Data Protection Act 2018 and other related legislation ('The Legislation'). It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

2. DATA PROTECTION PRINCIPLES

- 2.1 The School will appoint a Data Protection Officer who will be the named person responsible for guidance and compliance within the organisation. The School will also have a Chief Privacy Officer & Data Processor to support the adoption of and adherence to a privacy culture within the School.
- 2.2 The data protection principles as laid down in the Legislation are followed at all times:
 - 2.2.1 Data must be processed fairly, lawfully and in a transparent manner;
 - 2.2.2 Personal data shall be obtained for specific, explicit and legitimate purposes only;
 - 2.2.3 Personal data shall be adequate, relevant and not excessive in relation to the purpose(s) for which they are processed;
 - 2.2.4 Personal data shall be accurate and where necessary kept up to date;
 - 2.2.5 Personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose and access to the data will be strictly controlled;
 - 2.2.6 Personal data shall be processed in an appropriate manner to maintain security in accordance with the rights of data subjects under the Legislation;
 - 2.2.7 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
 - 2.2.8 Personal data shall not be transferred to a country outside the EEA, unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data;
 - 2.2.9 The data systems of the School will be appropriately mapped so that compliance can be checked.

- 2.3 Bishop Vesey's Grammar School is committed to maintaining those principles at all times. This means that the School will:
- 2.3.1 Inform parents and data subjects as to the purpose of collecting the information, as and when we ask for it and highlight within privacy notices the basis for processing information;
 - 2.3.2 Check the quality and accuracy of the information we hold;
 - 2.3.3 Regularly review the records we hold to ensure that information is not held longer than is necessary;
 - 2.3.4 Ensure that when information is authorised for disposal it is done appropriately and securely;
 - 2.3.5 Ensure appropriate security measures to safeguard personal information whether that is held or transferred in paper files or on our computer system;
 - 2.3.6 Share personal information with others only when it is necessary and legally appropriate to do so, ensuring that pupil names are replaced with unique pupil numbers or unique learner numbers in the records before the data is transferred;
 - 2.3.7 Set out clear procedures for responding to requests for access to personal information known as subject access in the Legislation;
 - 2.3.8 Subject Access Requests will be actioned within 28 Working Days. Manifestly unfounded or excessive requests will be charged or refused. All requests are to be directed to the Headteacher and the Finance Director and School Business Manager who are the only members of staff who can authorise a Subject Access Request. A record of all Subject Access Requests will be maintained.
 - 2.3.9 The School will ensure an Information Governance Health Check is undertaken by a suitably qualified person on an annual basis to ensure continued robustness and compliance.

3. PERSONAL DATA

- 3.1 'Personal data' is information that relates to an individual. A sub-set of personal data is known as 'sensitive personal data'. Sensitive personal data is information relating to race or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life or the commission of any offence. Sensitive personal data is given special protection.
- 3.2 The School does not intend to seek or hold sensitive personal data about staff, Governors, Members of the Academy, volunteers or students except where the School has been notified of the information, or it comes to the School's attention via legitimate and legal means, or needs to be sought and held in compliance with a legal obligation. Staff, Governors, Members, volunteers or students are under no obligation to disclose to the School their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and/or parenthood needed for other purposes, e.g. pension entitlements, may be indicative of some aspects of sexual life).
- 3.3 Legislation applies to all computerised data and manual files if they come within the definition of a relevant filing system. Broadly speaking, this means that they are readily searchable and it is easy to locate personal data within them. A typical example is a personnel file structured by subject.

4. SECURITY OF PERSONAL DATA

- 4.1 Bishop Vesey's Grammar School will take reasonable steps to ensure that members of staff, Governors, Members and volunteers will only have access to personal data relating to pupils, their parents, guardians or other data subjects where it is necessary for them to do so. All staff, Governors, Members and volunteers will be made aware of this Policy and their duties under the Legislation. The School will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons. This will include a regular audit and Data Protection Impact Assessment to review and assess Confidentiality, Integrity and Accessibility. A Data Protection Breach Reporting Form will be completed to Report all Data protection Breaches to the Finance Director and School Business Manger within 24 hours of a breach. All Data Protection breaches will be reported to the Information Commissioners Office within 72 hours of discovery.
- 4.2 The school's Network Manager will review the security of the network and associated data on a regular basis. The school will be kept up to date with threats and risks with regard to information security and will develop security principles and procedures in line with recommended practice from the ICO to ensure that the information held by the school is maintained within a secure environment.

5. USE OF PERSONAL DATA

- 5.1 It is required under the Legislation that the personal data held about pupils or other data subjects must only be used for specific purposes allowed by law. The School holds personal data on pupils. The personal data includes contact details, assessment/examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 5.2 The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the School as a whole is doing, together with any other uses normally associated with this provision in an independent school environment.
- 5.3 The School may make use of limited personal data (such as contact details) relating to pupils, their parents or guardians for internal activities such as fundraising, marketing or promotional purposes and to maintain relationships with Students of the school.
- 5.4 In particular, the School may, subject to express permission of the 'appropriate individual':
- 5.4.1 transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the school;
- 5.4.2 make use of photographs of pupils in academy publications and on the School website;
- 5.4.3 disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where a pupil may be identified by name when the photograph is published e.g. where a pupil has won an award or has otherwise excelled;

- 5.4.4 make personal data, including sensitive personal data, available to staff, authorised volunteers, Governors and Members for planning curricular or extra-curricular activities.
- 5.5 Photographs with names identifying pupils will not be published on the school website or in any media without the express permission of the appropriate individual or parents.
- 5.6 Any wish to limit or object to any use of personal data should be notified in writing to the Headteacher of the School, which notice will be acknowledged by the School.

6. DATA DISCLOSURES

- 6.1 Personal data will only be disclosed to organisations or individuals for whom consent has been given. However, there are circumstances under which it is necessary for the school's authorised officer(s) to disclose data without the express consent of the data subject.
- 6.2 These circumstances are limited to:
 - 6.2.1 Pupil, staff, volunteer, governor and member's data disclosed to authorised recipients in respect of education and administration necessary for the school to perform its legitimate duties and obligations;
 - 6.2.2 Pupil data disclosed to authorised recipients in respect of a pupil's health, safety and welfare;
 - 6.2.3 Data contained within a Pupil's educational record will be disclosed to the child's parents if requested. This covers information that comes from a teacher or other employee of a local authority or school, the pupil or the parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. It will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body.
 - 6.2.4 Staff and volunteer data disclosed to the relevant authority in respect of payroll and school's staff administration.
- 6.3 Only authorised and properly instructed staff are permitted to make disclosures of personal data.
- 6.4 When requests to disclose personal data are received by telephone the School will ensure the caller is entitled to receive the data and that they are who they say they are. The School will act accordingly by verifying their identity formally and where possible request that formal application is made in writing.
- 6.5 If a request is made in person for personal data to be disclosed, the School will ensure the recipient is entitled to receive the data and that they are who they say they are. If the person is not known, proof of identity will be requested.
- 6.6 Requests from parents or children for printed lists of the names of children, in particular classes which are frequently sought at Christmas, will be politely refused as permission would be needed from all the data subjects contained on the list.
- 6.7 Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- 6.8 Routine consent issues will be incorporated into the School's pupil data gathering sheets to avoid the need for frequent, similar requests for consent being made by the school.

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- 6.9 Personal data will only be disclosed to Police Officers if they are able to supply a WA170 form which notifies of a specific, legitimate need to have access to specific personal data. This form is the agreed procedure between the School and the West Midlands Police.
- 6.10 A record will be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.