



## Data Protection policy inc Covid-19 additional information

Author, date and title	Reviewed on	Next review due date	Statutory Requirement
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***As Values Schools, Shillington Lower and Stondon Lower ensures that all its policies, principals and practices adhere to the Values Education ethos.***

***We are committed to recognising, valuing and respecting the diversity of our schools' communities. We adhere to the Local Authority's Equal Opportunities Policy and the Equality Duty 2010. We welcome all members of the schools' communities irrespective of race, ethnic or national origins, religious and political beliefs, gender, disability, sexuality, age, marital status and linguistic ability. We will ensure equality and value diversity, and address any unfair treatment, discrimination and prejudice.***

***All our schools' policies include the Pixie class (Shillington) and the before and after school club (BOTH).***

Head Teacher:

Date: 08/10/2020

Chair of Governors:

Date: 08/10/2020

# **Data Protection Policy**

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## **1 Introduction**

Our school is committed to protecting the rights of all individuals in relation to the processing of their personal data.

## **2 Scope of this policy**

The school needs to comply with the Data Protection Act 2018 and EU General Data Protection Regulations. This policy has been developed to ensure all staff, contractors and partners understand their obligations when processing personal and special category data.

This policy and the legislation apply to all personal data, both that held in paper files and electronically. So long as the processing of the data is carried out for school purposes, it applies regardless of where data is held.

‘Processing’ data is widely defined and includes obtaining, recording, keeping, or using it in any way; sharing or disclosing it; erasing and destroying it.

## **3 Data protection principles**

Personal and special category data must be:

- used fairly, lawfully and transparently
- used for specified, explicit purposes
- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

## **4 Responsibilities of staff and contractors.**

Staff and contractors must:

- Complete the Data Protection training as soon as they join the school. This is a mandatory requirement.
- Complete an annual refresher course as directed by their manager
- Ensure that they only ever process personal data in accordance with requirements of the Data Protection Act 2018
- Follow the 6 Principles highlighted above and seek help if needed.

## **5 Data security**

Keeping personal data properly secure is vital in complying with the Data Protection Act. All staff and contractors are responsible for ensuring that any personal data we have access to is kept securely. We are also responsible for ensuring that personal data is not disclosed inappropriately (either orally or in writing or accidentally) to any unauthorised third party.

This includes, as a minimum:

- We should always keep passwords safe and never share them
- Lock away any personal data kept in paper format in a lockable cabinet or pedestal. Do not leave documents on desks unattended at any time
- If it is necessary to take hard copy documents out of the school make sure that those documents are looked after at all times, this includes notebooks and files. Consider whether it is necessary to take files out of the school at all or if so, take them on an encrypted laptop.

## 6 Sending personal data securely

We can send documents containing personal data securely using the following methods:

Requested by:	Method:
Hard copy	Documents should be hand delivered to the data subject wherever possible. Make sure that the documents are securely contained in a sealed envelope. If it not possible for the data subject to collect the documents themselves use the <b>special delivery service</b> . <b>Note:</b> Check you have the correct address before posting
Encrypted device	Where the data is especially sensitive consider saving the documents on a password protected, encrypted memory device rather than posting hard copies. The password can be sent to the data subject once they have received the device.
Email	<b>This is the preferred method.</b> Scan a copy of the file and move it to a secure location on the school's network. Send the file by secure data transfer [currently Egress]. Ask the data subject to confirm receipt of the documents as soon as possible

## 7 Data subject rights

Data subjects have defined rights over the use of their data. These rights have been reinforced and extended by the Data Protection Act 2018.

These rights are:

- right to be informed
- right of access
- right to rectification
- right to erasure
- right to restrict processing
- right to data portability
- right to object
- rights in relation to automated decision making and profiling.

The above rights are conditional depending on the reason we hold the data and why we may need to retain it.

Where we have a legal obligation to collect and process data or we are collecting the data to carry out a public task, we cannot always agree with any objection application to the processing of data. We will consider all requests and explain the reason for the decision.

Similarly, if an individual claim that there is an error in the recording of a child protection meeting or a behavioral incident, it is unlikely that these records will be amended because it is likely that the records contain the professional opinion of a social worker or other professional. Whilst the school would be unable to amend the original, we would be able to place the individual's objections on file next to the original record so that their objections can be noted.

Where we rely on consent to process data about an individual we will be obliged in most cases to apply the above rights.

## **8 Prohibited activities**

The following activities are strictly prohibited when processing personal and special category data:

- Sharing passwords to access data
- Sending personal data to a personal email address to work on at home
- Sending data to unauthorised personnel. Always check that the recipients are authorised to view the information being sent
- Sending personal data in an insecure format
- Leaving personal data unprotected
- Accessing information about a pupil or member of staff where there is no legitimate reason for doing so
- Accessing personal data about an individual for personal use
- Disclosing personal data to a third person outside of the school without a lawful basis

### **Implications of breaching this policy**

It is a condition of employment in the case of staff and contractors that they abide by the law and the policies of the school. Any breach of this policy could be considered to be a disciplinary offence and may lead to disciplinary action. A serious breach of the Data Protection Act may also result in the school and/or the individual being held liable in law.

## **9 Privacy by Design**

Under the Data Protection Act 2018 the School has a general obligation to implement technical and organisational measures to show that we have considered and integrated data protection into our processing activities. In order to achieve this, staff are expected to complete Privacy Impact Assessments to help identify and minimise any data protection risks.

## **Privacy impact assessments (PIA)**

The school must do a PIA for certain types of processing, or any other processing that is likely to result in a high risk to individuals' interests. It is good practice to do a PIA for any major project which requires the processing of personal data.

Your PIA must:

- describe the nature, scope, context and purposes of the processing;
- assess necessity, proportionality and compliance measures;
- identify and assess risks to individuals; and
- identify any additional measures to mitigate those risks.

To assess the level of risk, you must consider both the likelihood and the severity of any impact individuals. High risk could result from either a high probability of some harm, or a lower possibility of serious harm.

You should consult your data protection officer and any processors may also need to assist you.

## **10 International transfers**

The Data Protection Act 2018 imposes restrictions on the transfer of personal data outside the European Union, to third countries or international organisations. Personal data may only be transferred outside of the EU in compliance with the conditions for transfer set out in Chapter V of the GDPR.

## **11 Conclusion**

Compliance with the Data Protection Act 2018 is the responsibility of all members of staff and contractors. Any questions about this policy or any queries concerning data protection matters should be raised with the Head Teacher.

## 12 Definitions

<b>Subject Access Request or SAR</b>	A request for access to data by a living person under the Act is known as a Subject Access Request or SAR. All records that contain the personal data of the subject will be made available, subject to certain exemptions.
<b>Freedom of Information Request or FOI.</b>	A request for access to data held is dealt with under the Freedom of Information Act 2000 and is known as a Freedom of Information Request or FOI. Requests for the data of deceased people may be processed under this legislation.
<b>Personal Data</b>	<p>Personal data means data which relate to a living individual who can be identified directly or indirectly from the data, particularly by reference to an identifier.</p> <p>Personal data can be factual (such as a name, address or date of birth) or it can be an opinion (such as a performance appraisal).</p> <p>Examples of personal data are the name and address of an individual; email and phone number; a Unique Pupil reference number or an NHS number</p>
<b>Special Category Data</b>	<p>Certain personal data, special category data, is given special protections under the Act because misuse could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination.</p> <p>Information relating to criminal activities or convictions is not special category data but must be treated with similar safeguards in place.</p> <p>Special category data includes:</p> <ul style="list-style-type: none"> <li>• race or ethnic origin of the data subject</li> <li>• their political opinions</li> <li>• their religious beliefs or other beliefs of a similar nature</li> <li>• whether they are a member of a trade union</li> <li>• their physical or mental health or condition</li> <li>• their sexual life</li> <li>• sexual orientation</li> <li>• Biometrics (where used for ID purposes)</li> <li>• Genetics</li> </ul>
<b>Data Controller</b>	The organisation which determines the purposes and the manner in which, any personal data is processed is known as the data controller. The School is the data controller of all personal data used and held by the school.
<b>Data Processors</b>	Organisations or individuals who process personal data on behalf of the data



	controller are known as data processors. Employees of data controllers are excluded from this definition, but it could include suppliers which handle personal data on our behalf.
<b>Data Subject</b>	A living individual who is the subject of personal data is known as the data subject. This need not be a UK national or resident. Provided that the data controller is subject to the Act, rights with regards to personal data are available to every data subject, wherever his nationality or residence.
<b>Lawful Basis</b>	The grounds specified by the Regulations which need to be satisfied for any data processing to be legal. One ground needs to exist for processing personal data. Where special category data is processed a second ground must also exist.
<b>Data Breach</b>	<p>A data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.</p> <p>A data breach may occur by accidentally sending an email to the wrong person or leaving a file in a public place. Breaches which result in a high risk to the individual must be reported to the ICO within 72 hours.</p>

**\*\* ADDITIONAL COVID-19 ADDENDUM**

#### **GDPR – Covid data**

You will need to record and share information relating to staff and pupils about Covid, including personally identifiable data. Data can legally be shared with relevant authorities and is covered by the legislation detailed below:

#### **DPA 2018**

- processing is necessary under Article 6 for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- processing is necessary under article 9 for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services
- processing is necessary under article 9 for 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 quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy

## **COPI**

The Secretary of State has issued a range of Notices which require that data is shared for purposes of Covid. The Health Service (Control of Patient Information) Regulations 2002 allow the processing of Confidential Patient Information (CPI) for specific purposes. Regulation 3 provides for the processing of CPI in relation to communicable diseases and other threats to public health and in particular allows the Secretary of State to require organisations to process CPI for purposes related to communicable diseases

Under COPI Regulations 2002, processing means:

- the use, dissemination and obtaining of information;
- the recording and holding of information;
- the retrieval, alignment and combination of information;
- the organisation, adaption or alteration of information;
- the blocking, erasure and destruction of information

The COPI notices cover a range of purposes related to diagnosing, managing, and controlling the spread of communicable diseases. For COVID-19 purposes this could include but is not limited to:

- understanding Covid and risks to public health, trends in Covid and such risks, and controlling and preventing the spread of Covid and such risks;
- identifying and understanding information about patients or potential patients with or at risk of COVID-19;
- delivering services to patients, clinicians, the health services;
- research and planning in relation to Covid.

## **Suggested wording for enquiries**

Thank you for your enquiry about processing data in relation to Covid 19. The school is legally able to share data under GDPR article 6 and 9 (public task and public health). Further, the school is required under notices issued by the secretary of state in relation to control of patient information (COPI) to share data in relation to Covid 19. The school will ensure however that all information is treated sensitively, kept secure and we will only share the minimum required to meet legislative requirements and for the safety of our staff and pupils.

Please contact the school office if you would like to discuss this further. You can also speak to our data protection officer should you require any more information

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