



Achieve Excellence

Exceed Expectations

**Ysgol Maes y Felin**  
Penymaes Road  
Holywell  
Flintshire  
CH8 7EN

01352 711366

Pennaeth/Headteacher  
Mr. Peter Davies B.Ed (Hons)

# School Data Protection Policy

<b>Date policy approved and adopted</b>	October, 2019
<b>Reviewed By</b>	Governing Body
<b>Review frequency</b>	Annually
<b>Next review date</b>	October, 2020

## Accessible Formats

This document is available in English and Welsh in Microsoft Word and pdf formats in Arial font size 12 as standard. This document is also available in large print. To request a copy of this document in an accessible format contact Mrs. Debbie Dickinson (01352 711366).



## School Data Protection Policy

Ysgol Maes Y Felin collects and uses personal information about staff, students, parents or carers and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all students/parents or carers, this summarises the information held on students, why it is held and the other parties to whom it may be passed on.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### **What is Personal Information or Data?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### **Data Protection Principles**

The Data Protection Act 2018 establishes eight enforceable principles that must be adhered to at all times:

- 1) Personal data shall be processed fairly and lawfully;
- 2) Personal data shall be obtained only for one or more specified and lawful purposes;
- 3) Personal data shall be adequate, relevant and not excessive;
- 4) Personal data shall be accurate and where necessary, kept up to date;
- 5) Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
- 6) Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
- 7) Personal data shall be kept secure i.e. protected by an appropriate degree of security;
- 8) Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

### **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary

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- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

### **Data Security**

As part of the data protection act it is expected that the school must take suitable steps to ensure that sensitive data about students is not lost.

Any data shared with a third party must adhere to the Ysgol Maes Y Felin GDPR Privacy Policy and must be done so in a secure format.

Employees of the school must not transfer sensitive data onto a removable memory device. If data is to be placed onto any removable memory device, then the device must be suitably encrypted.

Any data taken by staff off site must be suitably safeguarded from theft, malicious use, or loss.

An acceptable method of transporting data off site is pseudonymisation. The purpose is to render the data record less identifying and therefore reduce concerns with data sharing and data retention.

### **Data Retention**

Ysgol Maes Y Felin will ensure that all data retained by the school adheres to the timescales stated in the Information Management Toolkit for Schools

### **Data Breaches**

Employees at the school must report any data breaches immediately to the Business Manager or the Headteacher. The following information must be ascertained.

- 1) How the data breach has happened
- 2) How the data breach was discovered
- 3) What data has been accessed, lost or stolen
- 4) What recovery steps have been taken
- 5) Business Manager or Headteacher to contact the Data Protection Officer immediately
- 6) Where relevant notify affected individuals

These procedures in place to identify, manage and investigate a breach. In conjunction with the Data Protection Officer a decision will be made whether to report the breach to the ICO, based on the risks to individuals' rights and freedoms.

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If it is decided that it is necessary to report the breach this will need to be done no later than 72 hours after becoming aware of it.

### Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

### Contacts

If you have any enquires in relation to this policy, please contact the Headteacher, the School Data Protection Officer or the Information Commissioner's Office.

	<b>Headteacher</b>	<b>Data Protection Officer</b>	<b>Information Commissioner's Office</b>
Address	Ysgol Maes Y Felin Pen Y Maes Road Holywell Flintshire CH8 7EN	David Bridge GDBR Consultancy Ltd	Churchill House 17 Churchill Way Cardiff CF10 2HH
Telephone	01352 711366		029 2067 840
Website	<a href="http://www.ysgolmaesyfelin.co.uk">www.ysgolmaesyfelin.co.uk</a>	<a href="http://www.GDBR.co.uk">www.GDBR.co.uk</a>	<a href="http://www.ico.gov.uk">www.ico.gov.uk</a>
Email	<a href="mailto:mfmail@hwbcymru.net">mfmail@hwbcymru.net</a>	<a href="mailto:david@gdbr.co.uk">david@gdbr.co.uk</a>	

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### Appendix 1

#### Freedom of Information requests

Procedures for responding to subject access requests made under the Freedom of Information Act 2000

#### Rights of access to information

There are two distinct rights of access to information held by schools about students.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Student Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### Actioning a subject access request

- 1) Requests for information must be made in writing; which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.
- 2) The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

- 3) Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

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- 4) The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages copied. 25p per mon sheet and 45p per colour sheet.
  - If the information requested is only the educational record viewing this will be free.
  - The actual cost of postage is chargeable.
- 5) The response time for subject access requests, once officially received, is 20 days (**working school days**). All charges are payable in advance. Not later than 20 working days after the date of receipt of the request, the applicant will be notified of this requirement and of the amount of the advance payment.
- 6) The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**
- 7) Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 20 day statutory timescale.
- 8) Any information which may cause serious harm to the physical or mental health or emotional condition of the student or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- 9) If there are concerns over the disclosure of information then additional advice should be sought.
- 10) Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
- 11) Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
- 12) Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be

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dealt with in accordance with the school's complaint procedure. Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### Contacts

If you have any queries or concerns regarding these policies/procedures then please contact the Headteacher. Further advice and information can be obtained from the Information Commissioner's Office

	<b>Headteacher</b>	<b>Data Protection Officer</b>	<b>Information Commissioner's Office</b>
Address	Ysgol Maes Y Felin Pen Y Maes Road Holywell Flintshire CH8 7EN	David Bridge GDBR Consultancy Ltd	Churchill House 17 Churchill Way Cardiff CF10 2HH
Telephone	01352 711366		029 2067 840
Website	<a href="http://www.ysgolmaesyfelin.co.uk">www.ysgolmaesyfelin.co.uk</a>	<a href="http://www.GDBR.co.uk">www.GDBR.co.uk</a>	<a href="http://www.ico.gov.uk">www.ico.gov.uk</a>
Email	<a href="mailto:mfmil@hwbcymru.net">mfmil@hwbcymru.net</a>	<a href="mailto:david@gdbr.co.uk">david@gdbr.co.uk</a>	

## **Appendix 2**

### **GDPR Privacy Notice for Parents and Guardians**

#### **How we use your information**

We hold the legal right to collect and use personal data relating to pupils and their families, and we may also receive information regarding them from their previous school, Local Education Authority and/or Welsh Government.

#### **Where necessary we use personal information to:**

- Provide education and support services
- Administration
- Maintain our accounts and records
- Fundraising
- To safeguard pupils
- CCTV to monitor visual images for security, the prevention and detection of crime

#### **We collect and use the following types of information**

- Personal details including name and contact details
- Family and lifestyle
- Financial details
- Student records
- Members of school boards
- Donors or potential donors
- Visual images, personal appearance and behaviour

Whilst the majority of the personal data you provide to the school is mandatory, some is provided on a voluntary basis. When collecting data, the school will inform you whether you are required to provide this data or if your consent is needed. Where consent is required, the school will provide you with specific and explicit information with regards to the reasons the data is being collected and how the data will be used.

#### **We may also collect and use the following special category information**

- Physical or Mental Health
- Racial or ethnic information
- Religious or other beliefs
- Trade Union Membership
- Offences or alleged offences

#### **We collect this information from**

You or partner organisations such as Flintshire County Council

**Where necessary or required we may share information with, (only the minimum personal information will be shared)**

- Education training and examining bodies
- School Staff and Governing Body
- Family, Carers and Associates
- Healthcare Professionals
- Social and Welfare Bodies



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- Local Authorities
- Welsh Government
- Police Forces
- Courts
- Business Associates
- Financial Organisation
- Security Organisations
- Press and Media

### **Transfers**

Information is not transferred out of the Country however some information may be stored on Cloud Servers based in the EEA

### **The Lawful Basis for collecting information**

Information is collected on the basis we have a legal obligation to provide education service (Article 6 (1) (b) General Data Protection Regulation.

*The task we carry out is: Public task in the public interest Article 6(1)(e)*

*Fundraising activities are carried out with your consent Article 6(1)(a)*

*Or where we have a legitimate interest Article 6(1)(f)*

### **We apply the following principles where we use personal information**

- (a) processed lawfully, fairly and in a transparent manner.
- (b) collected for specified, explicit and legitimate purposes ('purpose limitation');
- (c) adequate, relevant and limited to what is necessary.
- (d) accurate and, where necessary, kept up to date.
- (e) kept in a form which permits identification of data subjects for no longer than is necessary.
- (f) processed in a manner that ensures appropriate security of the personal data.

### **Your Rights**

The regulation recognises rights dependant on the lawful basis for processing. Parents and pupils have the following rights in relation to the processing of their personal data.

- Be informed about how we use your personal data.
- Request access to the personal data that we hold.
- Request that your personal data is amended if it is inaccurate or incomplete.
- Request that your personal data is erased where there is no compelling reason for its continued processing.
- Request that the processing of your data is restricted.
- Object to your personal data being processed.
- Rights over automated decision making & profiling.

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This notice forms part of your right to be informed. Where the processing of your data is based on your consent, you have the right to withdraw this consent at any time.

### How long do we keep your information

We only keep your information as long as necessary Education Records are transferred to other schools when necessary.

All information is retained in accordance with the IRMS toolkit for schools [www.irms.org.uk](http://www.irms.org.uk)

### Reporting Concerns

If you have a concern about the way we are collecting or using your personal data, you can raise a concern with the Headteacher, School Data Protection Officer or the Information Commissioner's Office.

	<b>Headteacher</b>	<b>Data Protection Officer</b>	<b>Information Commissioner's Office</b>
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Email	<a href="mailto:mfmil@hwbcymru.net">mfmil@hwbcymru.net</a>	<a href="mailto:david@gdbr.co.uk">david@gdbr.co.uk</a>	