

Data Protection Policy

THE HUB SCHOOL



Transforming Lives

Policy Owner:	RCM/Data Controller	
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1. Aims/Policy Statement

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the [General Data Protection Regulation \(GDPR\)](#) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the [Data Protection Bill](#).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

In order to operate effectively, The Hub School has to process personal information about people with whom it works. These may include members of the pupils, parents, current, past and prospective employees and suppliers. In addition, it is required by law to process information in order to comply with the requirements of central government.

The Hub School is committed to ensuring compliance with data protection legislation. The Hub School regards the lawful and correct treatment of personal information as essential to its successful operations and to maintaining confidence between The Hub School and those with whom it carries out business. The Hub School fully endorses the principles of data protection by design and default. To this end, The Hub School will ensure its Data Protection Officer is able to fulfil their tasks as defined in data protection legislation.

Third parties who have access to personal data will be expected to have read and understood this policy. No third party will be able to access personal data without being committed to having obligations no less onerous than The Hub School. The Hub School will make every effort to ensure data subjects can exercise their rights. Any breach of data protection legislation will be dealt with as a matter of urgency. If required, breaches will be reported to the appropriate authorities and dealt with as criminal offence. The Hub School is committed to working with the ICO in all areas relating to personal data.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#) and the ICO's [code of practice for subject access requests](#).

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
Personal data	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Special categories of personal data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Health – physical or mental • Sex life or sexual orientation
Processing	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
Data subject	<p>The identified or identifiable individual whose personal data is held or processed.</p>
Data controller	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>

Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The data controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Lynn Pearson and is contactable via The Hub School.

5.3 Headteacher

The headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - If there has been a data breach

- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

6. Data protection principles

The GDPR is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

7. Collecting personal data

7.1 Personal data must be processed lawfully, fairly and transparently

Lawful – identify a lawful basis before you can process personal data. These are often referred to as the “conditions for processing”, for example consent.

Fairly – in order for processing to be fair, the data controller has to make certain information available to the data subjects as practicable. This applies whether the personal data was obtained directly from the data subjects or from other sources.

Transparently – data protection legislation includes rules on giving privacy information to data subjects. These are detailed and specific, placing an emphasis on making privacy notices understandable and accessible. Information must be communicated to the data subject in an intelligible form using clear and plain language

7.2 Personal data can only be collected for specific, explicit and legitimate purposes

Data obtained for specified purposes must not be used for a purpose that differs from those formally notified to the ICO, outlined on The Hub School records of processing or in line with this Policy.

7.3 Personal data must be accurate and kept up to date with every effort to erase or rectify without delay

Data that is stored by The Hub School must be reviewed and updated as necessary. No data should be kept unless it is reasonable to assume that it is accurate. The DPO is responsible for ensuring that all staff are trained in the importance of collecting accurate data and maintaining it.

It is the responsibility of the data subject to ensure that data held by The Hub School is accurate and up to date. Pupils, parents, employees and suppliers should be required to notify The Hub School of any changes in circumstance to enable personal records to be updated accordingly. Processes will be in place to allow for the updating of records. It is the responsibility of The Hub School to ensure that any notification regarding change of circumstances is recorded and acted upon.

The DPO is responsible for ensuring that appropriate procedures and policies are in place to keep personal data accurate and up to date. On a regular basis the DPO will review these processes and retention dates for personal data processed by The Hub School.

The DPO is responsible for making appropriate arrangements so that, third-party organisations that may have been passed inaccurate or out-of-date personal data are informed, ensuring it is not used to inform decisions about the individuals concerned.

7.4 Disposal of Records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

7.5 Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our Online Safety Policy)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations

- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

9. Data Transfers

All exports of data from within the European Economic Area (EEA) to non-European Economic Area countries (referred to in the GDPR as 'third countries') are unlawful unless there is an appropriate 'level of protection for the fundamental rights of the data subjects'.

The transfer of personal data outside of the EEA is prohibited unless one or more of the specified safeguards, or exceptions, apply:

- An adequacy decision.
- Privacy shield.
- Binding corporate rules.
- Model contract clauses.

Exceptions, in the absence of the above a transfer of personal data to a third country or international organisation, shall only take place on one of the following conditions:

- the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards;
- the transfer is necessary for the performance of a contract between the data subject and the data controller or the implementation of pre-contractual measures taken at the data subject's request;
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the data controller and another natural or legal person;
- the transfer is necessary for important reasons of public interest;
- the transfer is necessary for the establishment, exercise or defence of legal claims; and/or
- the transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent.

10. Subject access requests and other rights of individuals

10.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- Name of individual

- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress

- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

11. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

12. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to Head of School.

13. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

14. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1. This includes Human Resources to ensure any disciplinary action is taken if deemed appropriate and Legal Services. The point of contact for the ICO is the DPO.

The Hub School has an obligation to report certain data protection breaches to the ICO within 72 hours of The Hub School being made aware. The DPO will notify the ICO following an assessment of the breach. If required the DPO will also arrange for the affected data subjects to be notified. Any data processors The Hub School is working with are also required to report data protection breaches to the ICO, as well as cooperate with the ICO to resolve the issue. Data processors must also notify The Hub School of any breach which affects The Hub School's personal information, within the 72 hour window.

The ICO has the authority to sanction significant financial penalties of up to €20 million or 4% of global turnover (fines in the UK will be based on the current exchange rate). Data processors also hold liability for data protection breaches.

The Hub School recognises data subjects' right to compensation if they have suffered material or non-material damage as a result of an infringement of data protection legislation. Any claim for compensation will be dealt with through The Hub School normal procedures.

15. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

16. Consent

The Hub School understands 'consent' to mean that the data subject has been fully informed of the intended processing and has signified their agreement, while in a fit state of mind to do so and without pressure being exerted upon them. Consent obtained under duress or on the basis of misleading information will not be valid.

There must be some active communication between the parties to demonstrate active consent. Consent cannot be inferred from non-response to a communication. The data controller must be able to demonstrate that consent was obtained for the processing operation. For special categories data, explicit written consent of data subjects must be obtained unless an alternative legitimate basis for processing exists.

Where the Hub School provides online services to children, parental or custodial authorisation must be obtained. This requirement applies to children under the age of 13.

Whether or not a photograph needs to be protected or falls under data protection legislation can be open to interpretation and the quality of the photograph. However, the school takes this matter extremely seriously and seeks to obtain parents' consent for the use of photographs outside the school and, in particular, to record their wishes if they do not want photographs to be taken of their children.

17. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** and shared with the full governing board.

18. Processors and Contracts

The Hub School will ensure that any processor it engages have a written contract or agreement in place. This is important so both parties understand their responsibilities and liabilities. Processors must only ever act on documented instructions. To be compliant with data protection legislation contracts must include specific items.

19. Retention and Disposal of Data

The Hub School will not keep personal data in a form that permits identification of data subjects for longer than is necessary, in relation to the purpose(s) for which it was originally collected. It may store data for longer periods if 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 appropriate technical and organisational measures to safeguard the rights and freedoms of the data subject.

The retention period for each category of personal data will be set out in The Hub School retention schedules.

Personal data must be disposed of securely in accordance with data protection principle 6. Appropriate procedures must be followed when disposing of personal information. The Hub School will ensure that secure disposal methods are available to staff.

20. Data Inventory

The Hub School has established the schools data asset register which helps determine the flow of data through the organisation. The Hub School is aware of any risks associated with the processing of particular types of personal data and the level of risk to individuals associated with the processing of their personal data.

21. Impact Assessments

The Hub School will implement technical and organisational measures to ensure that by default, personal data is processed where necessary. Data protection impact assessments (DPIAs) will be carried out in relation to the processing of personal data, and in relation to processing undertaken by other organisations on behalf of The Hub School.

Where a type of processing, in particular using new technologies and taking into account the nature, scope, context and purposes of the processing, presents a risk to the rights and freedoms of an individual, The Hub School, prior to the processing, will carry out a DPIA. A single DPIA may address a set of similar processing operations that present similar high risks.

Where, as a result of a DPIA, it is clear that The Hub School is about to commence processing of personal data that could cause damage and/or distress to the data subjects, or is deemed high risk (including to the reputation of The Hub School, the DPIA must be escalated for review to the DPO. The DPO shall, if there are significant concerns, either as to the potential damage or distress, or the quantity of data concerned, escalate the matter to the ICO.

22. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- Online Safety Policy
- Safeguarding Policy

Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- The DPO will alert the headteacher and the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
 - Loss of control over their data
 - Discrimination
 - Identify theft or fraud
 - Financial loss
 - Unauthorised reversal of pseudonymisation (for example, key-coding)
 - Damage to reputation
 - Loss of confidentiality
 - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions will be stored on the schools administration computer drive. Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible

- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored on the Hub Schools administration computer drive

- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible