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# Data Protection Policy

## Definitions

<b>The federation</b>	New Wave Federation consists of Shacklewell /Grazebrook/Woodberry Down Primary school
<b>GDPR</b>	means the General Data Protection Regulation.
<b>Personal Data</b>	means data which relates to a living individual who can be identified from it.
<b>Special Category Data</b>	means specific information about an individual that relates to their race or ethnic background; political opinions; religious beliefs; trade union membership; health; sexual health; sexual orientation; criminal records
<b>DPA</b>	means the Data Protection Act 2018
<b>Data Subject(s)</b>	means staff/potential staff/former staff, pupils and their families, former pupils and their families, or any other living individuals whose personal data may be processed by the federation .
<b>Data processing</b>	means anything the federation does with the personal data from the point of collection to the date of its destruction.
<b>Data Protection Officer</b>	means the designated person appointed as Data Protection Officer in accordance with Article 37 of the GDPR.
<b>Information Asset Register</b>	means a register of all data processing activities and systems or contexts in which personal data is processed by the federation .
<b>Privacy Notice</b>	means a document that explains to data subjects what we do with their personal data and why. It also explains our lawful basis for doing so and sets out what rights they have with regard to their personal data.
<b>ICO</b>	means the Information Commissioner's Office, being the supervisory authority responsible for enforcing the DPA.

## Introduction and Scope

The federation takes its responsibilities with regard to the requirements of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 very seriously. This policy sets out how the federation manages those responsibilities.

The federation collects, uses, stores and otherwise processes personal data relating to staff and potential staff, pupils and their families, former staff and pupils who are collectively referred to in this policy as data subjects. When processing personal data, the federation is obliged to fulfil individuals' reasonable expectations of privacy by complying with the GDPR, the DPA and any other relevant data protection legislation (data protection law).

This policy therefore seeks to ensure that we:

- are clear about how personal data must be processed and the federation's expectations for all staff who process personal data on its behalf;
- comply with data protection law and with good practice;
- protect the rights and freedoms of data subjects
- protect the federation's reputation by ensuring the personal data entrusted to us is processed in accordance with data subjects' rights
- protect the federation from risks of personal data breaches and other breaches of data protection law.

## *1. Roles and Responsibilities*

- 1.1. This policy applies to all staff employed by the federation and to any external organisations or individuals who may process personal data on its behalf.
- 1.2. The Governing Body has overall responsibility for the federation's compliance with the GDPR, DPA and any relevant information legislation.
- 1.3. The Executive Headteacher will act as the representative of the data controller on a day-to-day basis.
- 1.4. The Data Protection Officer (DPO) shall take responsibility for implementing this policy and monitoring the federation's compliance with the GDPR, DPA and any relevant information legislation. The Data Protection Officer shall not be held personally responsible for the federation's compliance with the GDPR and Data Protection Act 2018.
- 1.5. The DPO shall act as the first point of contact for any data subjects and for the ICO.

## *2. Data protection principles*

- 2.1. The federation is committed to processing personal data in accordance with its responsibilities under the GDPR.
- 2.2. Article 5 of the GDPR requires that personal data shall be:
  - a. processed lawfully, fairly and in a transparent manner in relation to individuals;
  - b. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
  - c. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
  - d. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
  - e. kept in a form which permits identification of data subjects for no longer than is necessary for

the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

- f. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

### *3. Lawful, fair and transparent processing*

3.1. Personal data processed by the federation must be done on one of the following lawful bases listed in Article 6 of the GDPR. This means the federation will only process personal data where;

- it is necessary for the federation, as a public authority, to perform its official functions identified as **public interest tasks**;
- it is necessary in order for the federation to comply with a **legal obligation**;
- it is necessary for the federation to fulfil a **contractual obligation** with an individual;
- it is necessary to protect a data subject’s **vital interests**, e.g. sharing information about their health with emergency services;
- it is necessary for the federation’s **legitimate interests** (ensuring any data subject’s rights and freedoms are not compromised);
- where the parent/carer or pupil (if appropriate) has given clear affirmative **consent**

3.2. Special category data processed by the federation must be processed on one of the following lawful bases listed in Article 9 of the GDPR. This means special category data will only be processed where;

- it is necessary for the federation to ensure compliance with employment and social security law;
- it is necessary to protect the vital interests of a data subject; or
- it is necessary for the performance of a substantial public interest task

3.3. To ensure its processing of data is lawful, fair and transparent, the federation shall maintain an Information Asset Register.

3.4. The federation shall note the appropriate lawful basis for all data processing activities in the Information Asset Register.

3.5. The Information Asset Register shall be reviewed at least annually.

3.6. Where consent is relied upon as a lawful basis for processing data, evidence of affirmative opt-in consent shall be kept with the personal data.

3.7. Data subjects will be notified that they can withdraw their given consent to process their personal data at any time.

3.8. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent will be made available and systems put in place to ensure such revocation is reflected accurately in the federation’s records.

- 3.9. Individuals have the right to access their personal data and any such requests made to the federation shall be dealt with in a timely manner.
- 3.10. Data subjects shall be notified of their rights and how to make a subject access request in the federation's privacy notice.
- 3.11. The federation will respond to a subject access request within one month of receiving it.
- 3.12. Where necessary, the federation will request that data subjects provide 2 forms of identification to ensure information is not disclosed to a third party.
- 3.13. The federation will consider any risk of causing serious harm to the physical or mental health of pupils or any other individuals as a result of disclosing personal information in response to a subject access request. Upon careful consideration the federation may choose not to disclose information if there is a significant risk of causing serious harm or distress as described above.

## *4. Information Sharing*

- 4.1. The federation is committed to sharing information where it is appropriate to do so, whilst ensuring that this is done in a fair and transparent way which is in line with the rights and expectations of data subjects.
- 4.2. The federation will ensure that any routine information sharing for statutory purposes, or purposes otherwise identified as a substantial public interest task, will be described in the federation's Privacy Notice.
- 4.3. The federation will ensure that any third party data processors we engage to provide services (outside of those referred to above) which involve data processing sign an agreement setting out;
  - how and why they are allowed to process personal data shared by the federation ;
  - how it will be securely shared; and
  - how long the data processor can retain records of the personal data
- 4.4. The federation will adopt the approach recommended by the Crown Procurement Service in making the arrangements described at point 3(a).
- 4.5. The federation will ensure that personal data is not used for any unsolicited direct marketing.

## *5. Data minimisation*

- 5.1. The federation shall ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 5.2. The federation will not collect any personal data that is not required for the purposes described to the data subject at the point of collection or in the federation's Privacy Notice.

## 6. Accuracy

- 6.1. The federation shall take reasonable steps to ensure personal data is accurate.
- 6.2. Where necessary for the lawful basis on which data is processed, steps shall be put in place to ensure that personal data is kept up to date.

## 6. Archiving / removal

- a. To ensure that personal data is kept for no longer than necessary the federation shall put in place a [Retention Schedule](#).
- b. The Retention Schedule shall consider what data should/must be retained, for how long, and why.
- c. The federation shall review its records at least annually to ensure the Retention Schedule is adhered to and personal data is not kept for any longer than necessary.

## 7. Security

- a. The federation shall ensure that personal data is stored securely and using modern software that is kept-up-to-date with regard to electronic records.
- b. Access to personal data shall be limited to federation personnel who require such access to carry out their roles and responsibilities in order for the federation to function.
- c. Appropriate security measures shall be in place to avoid unauthorised access to or sharing of personal information by federation personnel.
- d. Appropriate security measures shall be identified and documented in the Information Asset Register.
- e. When electronic records containing personal data are deleted this must be done safely such that the data is irrecoverable.
- f. When hard copy/paper records containing personal data are destroyed this must be done safely such the data is irrecoverable.
- g. Appropriate back-up and disaster recovery solutions shall be in place to avoid the unintentional loss of personal data.

## 8. Breaches of Data Security

- a. In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, the federation shall promptly assess the risk to the data subject's rights and freedoms and, if appropriate, report this breach to the Information Commissioner's Office within 72 hours of becoming aware of the breach.
- b. In the event the federation identifies a high risk of any harm or distress to any data subject as a result of a data breach the federation shall notify that data subject without undue delay.
- c. The federation shall develop robust breach detection, investigation and internal reporting procedures to facilitate decision making about whether or not the relevant authorities and affected individuals are notified.

## 9. CCTV

- 9.1. The federation will adhere to the ICO's [CCTV Code of Practise](#) for use of CCTV footage.
- 9.2. The federation does not need to seek consent to use CCTV for the purposes of maintaining security and preventing/detecting crime.
- 9.3. The federation will ensure that clear signs are placed in areas where CCTV is in operation explaining that CCTV is in use.

## 9. General provisions

- a. This policy applies to all personal data processed by the federation.
- b. The federation will appoint a Data Protection Officer.
- c. This policy shall be reviewed at least annually.
- d. The federation shall pay the data protection fee required by the Information Commissioner's Office as an organisation that determines the purposes for which personal data is processed.

## 10. Photographs and Video

- 10.1. As part of our federation activities, we may take photographs and records images of individuals within the federation.
- 10.2. The federation will seek affirmative written consent from parents/carers for photographs and videos of their child to be used in any communications, marketing or promotional materials. In seeking such consent the federation will explain clearly how and why the photographs/videos will be used. No photographs/videos will be used for any communications, marketing or promotional purposes without the explicit written consent of the parents/carers.
- 10.3. Parents/carers are allowed to take photographs and videos at federation events provided they are for their own personal use.

<b><i>Policy reviewed</i></b>	<b><i>12<sup>th</sup> November 2018</i></b>
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