



Data Protection Policy

Date approved	9 May 2018
Review cycle / date	Every three years / May 2021
Party responsible:	Finance & Premises Committee
Linked policies and documents:	Privacy Notices, Data Processing Statement, Staff Handbook, Security Policy and FOI and GDPR Request Handling Procedure.

Introduction

The Swanage School (TSS) is committed to a policy of protecting the rights and privacy of students, relatives, staff, volunteers, suppliers and other data subjects whose data is stored and/or processed by the School.

Principles

As required by the General Data Protection Regulations (GDPR), TSS will register with the Information Commissioner's Office (ICO) and will be responsible for, and be able to demonstrate, compliance with the 6 principles of GDPR that data shall be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- kept no longer than is necessary
- processed securely

Lawful basis

As a public authority all of TSS's processing is covered by the lawful basis of "Public Task" However, in addition, the school has decided to include the lawful bases of "Contract" and "Legal Obligation". In the event that any part of the processing described below is deemed to be outside the School's public authority remit then the legitimate interest of the TSS's charitable purpose will apply. In the event that "Legitimate Interest" is applied, TSS will apply the "3 part test" seeking to ensure that the processing is necessary and that individuals' interest do not outweigh that of the School's.

Reasons/purposes for processing information

The School process personal information to enable it to:

- provide education, training, welfare and educational support services
- support and manage our employees and volunteers
- maintain our own accounts and records

- administer school property
- carry out fundraising activities

TSS as part of the above processes uses CCTV and biometric systems to maintain security. For the avoidance of doubt, TSS will not use automated individual decision-making system or profiling systems as part of its processing.

Data Sharing and Data Retention

Where necessary TSS shares information with:

- family, associates and representatives of the person whose personal data is being processing
- educators, careers and examining bodies
- other school boards
- current, past or prospective employers
- central and local government
- healthcare professionals
- social and welfare organisations
- police forces
- courts and tribunals
- security organisations
- suppliers (including professional advisors)
- voluntary and charitable bodies
- press and the media
- financial organisations

TSS will not share data directly or indirectly with marketing or market research organisations other than those that may be required by central government or the local education authority.

TSS will hold data for no longer than is necessary. Though the School may, in the public interest, continue to hold some data for archival, statistical and/or research purposes. The School's personal data retention schedule is attached as Annex I.

Processing of Special Category and Criminal Offence data

TSS recognises its legal obligations when processing sensitive data including biometric data. It will therefore only collect, store and process such data when it is necessary for the purposes of carrying out its obligations and exercising specific rights in the field of employment, social security, and social protection law including the schools duty to safeguard children and vulnerable adults. The School will however seek consent prior to processing a student's biometric data. This consent may be withdrawn at any time. In the event there is disagreement between legal guardians on the matter of consent then the school will take the view that consent has not been given.

Right of Data Subjects to be informed

TSS will publish a number of documents on the school web site. These will include: the data processing statement, privacy notices (PNs), the data protection policy and security policy. Staff and student PNs will also be included in appropriate induction packs. Additionally student PNs will be included in student planners and staff PNs will be placed on the staff notice board and electronically

in the staff folder. Sole traders will be made aware of the supplier PN at the time of the first purchase order.

Other Data Subject Rights

TSS recognises an individual's right to request access to their own data and in certain circumstances to seek: rectification, erasure, processing restrictions, data porting as well as the right to object. TSS will, after confirming the identity of the individual, seek to handle such requests within a reasonable period of time, which will be no longer than a month unless the request is particularly onerous. TSS may refuse a request if it is unfounded, repetitious or vexatious, in such a case TSS will advise the individual of their right to register a complaint with the ICO. TSS will not levy a charge to process an individual's request except in those cases where the request is manifestly unfounded, excessive and/or repetitious, in which case a reasonable charge will be levied that takes account of the administrative costs.

An Individual's right to access is not unlimited. A derogation applies to the release of data collected as part of TSS's official duty to safeguard children and vulnerable adults. Individuals do not have the right to access data that might adversely affect the rights and freedom of others. This includes information relating to TSS's right to establish and exercise a defence of a legal claim and may also include data relating to succession planning.

TSS will seek to rectify incorrect data as soon as possible. However, an individual's right to rectification does not apply to information which is recorded as an opinion, as may be the case in student assessments and staff appraisals. An individual's right to erasure and to restrict processing does not apply if processing is covered by the legitimate and lawful purpose of "public task". When a student moves to another state funded school data will be transferred automatically using the approved S2S system, for all other "data porting" requests TSS will use its best endeavours to make that data, which was provided by the data subject, available to the new data controller in a suitable format.

Individuals have grounds to object to the publication of their visual image and their data being used for direct marketing purposes. In the former case, TSS will, prior to the publication of any images on the school web site, prospectus or other publication, inform relevant parties of their right to object to the inclusion of their image. The use of images for the legitimate purposes including teaching and learning is unlikely to be sufficient ground for an objection. Students may also request that information transferred to the providers of youth support services (under section 507b of the Education Act 1996) is limited to the student's name address and date of birth. On receiving objections, TSS will use all reasonable endeavours to temporarily cease processing such data unless they can demonstrate compelling legitimate grounds for not doing so or the processing is necessary for establishment, exercise or defence of legal claims. Any temporary cessation will continue until the School's investigation is complete. If the objection is upheld then the temporary cessation becomes permanent otherwise processing can re-commence.

More detail on how to requests can be found in the "FOI and GDPR Request Handling Procedure".

Contracts and International data transfers

TSS will not transfer personal data outside the EEA except to those countries or international organisation which are deemed by ICO to provide adequate levels of protection. When TSS uses a third party to process data on its behalf it will enter into a contract with the processor. The contract will set out the subject matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subject and the obligations and rights of the controller. The contract will contain the following clauses requiring the processor to:

- only act on the written instructions of TSS;
- ensure that people processing the data are subject to a duty of confidence;

- take appropriate measures to ensure the security of processing;
- only engage sub-processors with the prior consent of the controller;
- assist the school in allowing data subjects to exercise their rights under GDPR;
- assist the school in meeting its obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
- delete or return all personal data to TSS as requested at the end of the contract;
- submit to audits and inspections;
- provide TSS with whatever information it needs to ensure that they are both meeting their Article 28 obligations;
- tell TSS immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state;
- undertake processing within the EEA unless they are an international organisation that has been accredited by the ICO or the processing will be undertaken in a country that has been approved by the ICO.

Data Protection by Design

TSS will ensure that privacy and data protection is a key consideration when:

- building new systems for storing or accessing personal data;
- developing policy or strategies that have privacy implications;
- embarking on a data sharing initiative;
- using data for new purposes.

Data Protection Impact Analysis (DPIA)

TSS will undertake a DPIA before it begins any type of processing which is “likely to result in a high risk”. That is where there is a potential for a widespread or serious impact on individuals.

Responsibilities

The policy applies to all staff, volunteers and Trustees of The Swanage School. Staff are responsible for compliance with the GDPR, any breach is considered to be a breach of contract and may result in disciplinary procedures. Senior Management will promote a positive culture of compliance, providing appropriate training as and when required. The Trustees will appoint a Data Protection Officer (DPO) as and when required. They will ensure the person so appointed does not perform any other function within The School that leads him or her to determine the purposes and the means of the processing of personal data.

Data Protection Officer (DPO)

The DPO will

- inform and advise the Trustees, SLT and employees about their obligations to comply with the GDPR;
- monitor compliance with the GDPR, and with the data protection and security policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
- advise on and monitor DPIAs;
- cooperate with the ICO and
- be the first point of contact for the ICO and for individuals whose data is processed;

- report data breaches.

Data Breaches

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. When a personal data breach has occurred, the DPO will establish the likelihood and severity of the resulting risk to people's rights and freedoms. If it's likely that there will be a risk then the DPO will notify the ICO within 72 hours. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the DPO will also inform those individuals without undue delay.

Security

TSS will ensure the confidentiality, integrity and availability' of its systems & services and the personal data processed within them. The Schools measures to restore access and availability to personal data in a timely manner in the event of a physical or technical incident can be found in the School's security policy.

Personal Data Retention Schedule

The Swanage School seeks to hold personal data for no longer than is reasonable. It is required by law to retain certain information for minimum periods of time. The School may, in the public interest, continue to hold some data for archival, statistical and/or research purposes or when necessary retain data for the purpose of the establishment, exercise or defence of legal claims.

TYPE OF RECORD	RETENTION PERIOD
Legal Records	Indefinite
Finance Records	Current financial year plus a further 6 years
Personnel Records Except Salary records and work related injuries Interview related records of unsuccessful applicants Disciplinary records	Date last employed plus a further 7 years Indefinite Date of interview plus 6 months In accordance with school policies
Students Records Except SEND related records Examinations (incl. course work) Homework	Date of birth plus 25 years Date of birth plus 35 years Current academic year plus a further 6 years Current academic year plus a further year
Complaint Records	Date of resolution plus a further 6 years