



ST WYSTAN'S SCHOOL & NURSERY
GDPR AND DATA PROTECTION POLICY

This policy includes the Early Years Foundation Stage (EYFS)

Policy Written: May 2018

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Data Processing

As part of its day-to-day operation, and in order to carry out its duties as a provider of education and an employer, St Wystan's School collects and processes a wide range of personal information, or data, about certain individuals. These include the following:

- past, present and future employees
- past, present and future pupils
- the parents/carers of past, present and future pupils

St Wystan's School shall take all reasonable steps to collect and process data in accordance with this Policy.

Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy any reference to 'pupils' includes current, past or prospective pupils. Any reference to 'staff' also includes current, past or prospective staff.

This personal information may be held by St Wystan's School on paper or in electronic format in its capacity as "Data Controller". St Wystan's School needs to collect and process data in order to fulfil its legal rights, duties and obligations, including those required to form contracts with families and staff.

St Wystan's School is committed to being transparent about how it handles personal information, to protecting the privacy and security of personal information and to meeting its data protection obligations under the General Data Protection Regulation ("GDPR") and the Data Protection Act 2018 ("DPA 2018").

General Data Protection Regulation (GDPR)

From 25 May 2018 the General Data Protection Regulation (GDPR) replaced the previous Data Protection Act (DPA). The UK's decision to leave the EU will not affect the GDPR.

The GDPR applies to 'controllers' and 'processors'. The 'controller' says how and why personal data is processed and the 'processor' acts on the controller's behalf. Both are required to maintain records of personal data and processing activities.

Under the GDPR, the school has an increased responsibility to ensure that all information, regardless of the form in which it's kept, is managed in the right way to comply with new regulations.

Data Controller

St Wystan's School Ltd, is the Data Controller and ensures that all data is processed in compliance with this Policy and with the requirements of the General Data Protection Regulation.

The School oversees the role of:

- Ensuring that personal data is kept safe and secure.
- Responding to complaints and Subject Access requests.
- Cooperating with the supervising authority (ICO).
- Not using or processing personal data other than for the intended use.
- Ensuring that personal data is collected for legitimate use.
- Ensuring that personal data is kept up to date and not kept for longer than is necessary.
- Paying, or appealing against, any fines.

Monitoring the collection of personal data St Wystan's School will appoint an Assistant Head (Pastoral), to oversee compliance with the GDPR.

The Assistant Head (Pastoral) is responsible for:

- Overseeing the day-to-day use of personal data
- Advising, training and informing staff about the GDPR.
- Ensuring that we are compliant with the GDPR.
- Ensuring that data is processed legally and fairly.
- Documenting all systems used to process personal data.
- Recording any breaches of data privacy.

The Information Commissioner's Office

The Information Commissioner's Office (ICO) is the UK's independent body set up to uphold information rights. The ICO's role is to uphold information rights in the public interest. It is a legal requirement that every organisation that processes personal information is registered with the ICO. The ICO monitors registered bodies' storage and handling of personal data.

Data protection principles

Under the GDPR, there are eight data protection principles that St Wystan's School must comply with. These provide that the personal information we hold must be:

1. Processed lawfully, fairly and in a transparent manner.
2. Collected only for legitimate purposes that have been clearly explained to you and not further processed in a way that is incompatible with those purposes.
3. Adequate, relevant and limited to what is necessary in relation to those purposes.
4. Accurate and, where necessary, kept up to date.
5. Retained in a form that permits identification for no longer than is necessary for those purposes set out in the school's retention policy.
6. Processed in accordance with a data subject's rights.
7. Processed in a way that ensures appropriate security of the data.
8. Kept in the UK and not transferred abroad.

St Wystan's School is responsible for, and must be able to demonstrate compliance with, these principles.

Processing of Personal Data

The GDPR requires that personal data shall be:

- processed lawfully, fairly and in a transparent manner in relation to individuals
- 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
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- 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
- 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
- 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.

Purposes of collecting and storing personal information

The Company will only use personal information when the law allows us to. These are known as the legal bases for processing. We will use personal information in one or more of the following circumstances:

- where we need to do so to take steps to enter into a contract
- where we need to comply with a legal obligation
- where it is necessary for our legitimate interests (or those of a third party)

The purposes for which we are processing, or will process, personal information include (but are not limited) to:

Pupils:

- manage the pupil selection process, including to verify the identity of prospective children and their parents when places are accepted
- provide an education, including with peripatetic teachers and in extra-curricular clubs and activities
- monitor pupils' ongoing progress and individual educational needs
- maintain effective communication with families through emails, texts and Portal messages
- hold medical details, including known allergies or specific health concerns, so that we may act in case of emergency
- enable pupils to take part in any national assessments and for us to publish the results

- continue our relationship with past pupils as they become alumni
- assist the Company to receive information relating to payment history or outstanding fees to/from any educational institution as relevant
- provide references for future educational establishments or potential employers of past pupils

Staff:

- manage the recruitment process of staff and assess suitability for employment or engagement through the collection of references
- administer the contract we have entered into with you
- maintain an accurate record of your employment and engagement terms
- comply with statutory and/or regulatory requirements and obligations, e.g. checking your right to work in the UK
- comply with the duty to make reasonable adjustments for disabled job applicants and with other disability discrimination obligations
- ensure compliance with your statutory rights
- ensure effective HR, personnel management and business administration
- ensure compliance with income tax requirements, eg deducting tax and NI contributions
- monitor equal opportunities
- plan for career development and succession
- enable us to establish, exercise or defend possible legal claims

General:

- fulfil our legal duties as required by law such as the monitoring of equality, diversity, gender pay gap analysis etc
- assist reasonable forecasting and statistical analysis as required for effective management planning
- enable outside bodies, such as the Independent Schools Inspectorate or Department for Education, to monitor our performance or assist with incidents as appropriate
- use photographic images of pupils in school publications, on the school websites and (where appropriate) on the social media channels in accordance with the Use of ICT Policy
- where otherwise reasonably necessary for the School's purposes, including to obtain appropriate legal or professional advice.

In addition, St Wystan's School may need to process special category personal data or criminal records information in accordance with rights or duties imposed on it by law, including for safeguarding and employment, or from time to time by explicit consent where required.

These reasons may include to:

- safeguard pupils' welfare and provide appropriate pastoral and/or medical care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so
- provide additional educational services to support any special educational needs of a pupil
- provide spiritual education whilst considering or making provision for any religious beliefs
- carry out in-depth staffing checks, such as a prospective employee's criminal record check with the DBS

- comply with legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with any legal obligations and duties of care.

What types of personal information do we collect?

Personal information is any information about an individual from which that person can be directly or indirectly identified. It doesn't include anonymised data, i.e. where all identifying particulars have been removed.

St Wystan's School collects, uses and processes a range of personal information. This includes (as applicable):

- contact details, including names, addresses, telephone numbers, e-mail addresses etc
- personal information about a child as included in a Registration, Admission or Medical Form
- personal information about a prospective or future member of staff as included in a CV, Application Form, covering letter or interview notes
- references from past/current educational establishments about a prospective pupil or prospective member of staff
- information about a staff member's right to work in the UK, copies of qualification certificates, copies of driving licences or passports for identity checks or other background check documentation
- information about staff members' salary levels, including benefits and pension entitlements
- bank details and other relevant financial information for monthly staff payrolls
- pupils' academic, disciplinary, admissions and attendance records
- staff disciplinary and attendance records

The GDPR refers to sensitive personal data as "special categories of personal data". St Wystan's School may also collect, use and process the following special categories of personal information including (as applicable):

- whether or not there is a disability for which the School needs to make reasonable adjustments
- detailed information about an individual's health
- details of an individual's next of kin
- information about criminal convictions and offences

St Wystan's School does not access, store or handle genetic or biometric data. St Wystan's School may, from time to time, be required to process sensitive personal data regarding a pupil, their parents or guardians relating to religion, race, or criminal records and proceedings. Please note that the School does not store bank or credit card details from parents who pay school fees electronically.

Personal data relating to criminal convictions and offences is held as required by the Department for Education. Information is held on a Single Central Register that has restricted access to only two people within St Wystan's School. St Wystan's School does not keep hard copies of staff DBS forms once they have been seen with the DBS number, date and any relevant information recorded electronically on the Single Central Register.

Where sensitive personal data is processed by St Wystan's School, the explicit consent of the appropriate individual will generally be required in writing.

How do we collect personal information?

St Wystan's School collects personal information either directly from the data subject, or sometimes from a third party such as an employment agency. We may also collect personal information from other external third parties, such as references from current and former employers or schools, information from background check providers, information from credit reference agencies and criminal record checks from the Disclosure and Barring Service (DBS).

Other than employment agencies, St Wystan's School will only seek personal information from third parties during the recruitment process once an offer of employment or engagement has been made and we will inform the data subject that we are doing so.

How do we store personal information?

Personal information may be stored in different places, including on an application record, in the School's HR management system and in other IT systems, such as the e-mail system. All information is kept safe and secure either through locked filing cabinets in secure areas or through password-protected (and restricted) access to database servers.

St Wystan's School stores data as follows:

- Manual filing systems

Each pupil has a secure file within a locked filing cabinet in the School Office, in which documentation is held for possible future reference. Hard copies of certain data-gathering official forms, such as for the legally-binding contract (signed Acceptance Form) and original Registration Forms, are kept in pupil files together with hard copies of pupil reports, absence notes and other general information.

Each staff member has a secure file within a locked filing cabinet in the Bursar's locked office, in which documentation is held for possible future reference. Hard copies of certain data-gathering official forms, such as for the legally-binding Employment Contract or original employment forms, are kept in files together with hard copies of records, documentation and general information.

- Electronic databases

All pupils and staff have personal information stored electronically on a secure database – for staff payroll. Personal information might include:

- o Names, addresses, telephone numbers and email addresses
- o Sensitive medical information required for the school to care effectively for each child
- o Sensitive family information, such as parents divorcing, required for the school to care effectively for the child
- o Sensitive financial information, such as inability to pay the school fees
- o Staff bank account details required for monthly BACS payroll payments

- Cloud-based storage

Some files are stored in cloud-based folders such as Onedrive. In such cases, these providers have assured us that the personal data is kept securely and is password protected.

- Portable storage

Some personal data is stored on tablets in our Early Years Department. In each case, the devices are password protected and the personal data is stored on databases that are also protected by passwords.

How does St Wystan's School protect personal information?

St Wystan's School has put in place measures to protect the security of personal information. It has internal policies, procedures and controls in place to try and prevent your personal information from being accidentally lost or destroyed, altered, disclosed or used or accessed in an unauthorised way. In addition, we limit access to personal information to those employees, workers, agents, contractors and other third parties who have a business need to know in order to perform their job duties and responsibilities.

Data held on computer is protected by user/share level security, personal key identifier passwords including screen-savers, virus protection, back-up systems, dedicated server, form and internal procedures. Filing cabinets are locked when not in use and the School Offices are locked at night.

St Wystan's School does not store information relating to parents' bank accounts or credit cards when transactions are made. Cheques are banked immediately and are never photocopied. Bank credits made directly into school accounts via personal internet banking do not show parents' bank details.

Where personal information is shared with third parties, we require all third parties to take appropriate technical and organisational security measures to protect personal information and to treat it subject to a duty of confidentiality and in accordance with data protection law. We only allow them to process personal information for specified purposes and in accordance with our written instructions and we do not allow them to use personal information for their own purposes.

Any information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this Policy.

St Wystan's School also has in place procedures to deal with a suspected data security breach and we will notify the Information Commissioner's Office (or any other applicable supervisory authority or regulator) and the data subject of a suspected breach where we are legally required to do so.

What if a data subject fails to provide personal information?

If a data subject fails to provide certain personal information when requested, we may not be able to process an application properly or at all, as we may not be able to enter into a contract, or we may be prevented from complying with our legal obligations. The data subject may also be unable to exercise their statutory rights.

It is likely to harm any chance of employment with St Wystan's School, if St Wystan's School does not have all of the information it needs to ascertain suitability for the position as compared with another candidate.

Change of purpose

We will only use information for the purposes for which we collected it. However, if a job application is unsuccessful, St Wystan's School may wish to keep personal information on file in case there are

future suitable opportunities with us. We will ask for consent before we keep personal information on file for this purpose. Consent can be withdrawn at any time.

Consent

St Wystan's School notifies parents in its standard Terms and Conditions that personal data is stored in order to carry out the School's day-to-day duties. Although parents give their consent by signing the Acceptance Form, it should be noted that it would be difficult for a child to attend any school without the information that is required both by the Department for Education and by other bodies such as the Independent Schools Inspectorate or Ofsted.

Who has access to personal information?

Personal information may be shared internally within St Wystan's School, including with members of the office, Headteacher, Senior Leadership and Governors.

Occasionally, St Wystan's School will need to share personal information relating to its community with third parties including:

- external organisations (eg DBS) for the purposes of conducting pre-employment reference and employment background checks
- former employers or schools to obtain references
- professional advisors, such as lawyers, accountants and insurers
- relevant authorities, such as HMRC or the Police
- external IT providers
- external auditors
- regulatory bodies such as the Independent Schools Inspectorate (ISI)

For the most part, personal data collected by St Wystan's School will remain within St Wystan's School and will be processed by appropriate individuals only on a 'need to know' basis.

With increased use of social media in all areas we now use our website as more than an information tool. For example, we advise, update and/or send reminders to parents/carers of events, trips etc. using different forms of social media, i.e. messaging service, and Twitter. When using our messaging service, we have to share contact details with the company who sends the messages, which at present is Page One Communications. No other details other than parents' names and mobile numbers/email addresses are shared with the company and Page One Communications have confirmed that they do not keep any data once a child leaves the school and never share this data with any other companies.

Strict rules of access apply in the context of:

- medical records
- pastoral or safeguarding files
- criminal records information

A certain amount of any Special Educational Needs pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance (including Keeping Children Safe in Education) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a

certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the LADO or police. For further information about this, please view the School's Safeguarding Policy.

In accordance with Data Protection Law, some of St Wystan's processing activity is carried out on its behalf by third parties, including but limited to:

- Page One communication – texting and emailing systems
- Innermedia – website and app management company
- '2Simple – software designed to challenge children
- GL Education – dyslexia software
- Bourne and Co – school accountants who oversee the annual accounts audits
- Taylor, Simpson and Mosley and the Smith Partnership – school solicitors and fees recovery specialists

Dealings with third parties are always subject to contractual assurances that personal data will be kept securely and only in accordance with St Wystan's specific directions.

Third party providers are responsible for:

- Only acting on the documented instruction of the Data Controller.
- Only using the personal data for the agreed purpose.
- Assisting with Data Subject rights.
- Returning or deleting personal data when the service ends.
- Making available all information necessary to demonstrate compliance with the contract and allowing for audits.
- Assisting with compliance and security provisions.

We may share personal information with third parties where it is necessary to take steps to request to enter into a contract, where we need to comply with a legal obligation, or where it is necessary for our legitimate interests (or those of a third party).

Pupil Photographs

In our Early Years the staff use software called Two Build-a-Profile on their school-issued tablets. For this we have to share a child's name and date of birth and will often include a photograph showing a child undertaking a certain activity; this is to enable the staff to share a child's achievements with the parents and for the parents to see the progression that we observe in school.

It is very important to us to celebrate our pupils' achievements and so we like to publish photos of them for parents to see; for example on our school newsletter, website, app and social media accounts.

To ensure the privacy and safety of pupils, we never publish surnames of children alongside photographs so that they are not readily identified outside the school community.

Rights in connection with personal information

Data subjects have a number of statutory rights. Subject to certain conditions, and in certain circumstances, they have the right to:

- request access to personal information - this is usually known as making a 'data subject access request' and it enables them to receive a copy of the personal information we hold about them and to check that we are lawfully processing it
- request rectification of personal information - this enables them to have any inaccurate or incomplete personal information we hold corrected
- request the erasure of personal information - this enables them to ask us to delete or remove personal information where there's no compelling reason for its continued processing, eg it's no longer necessary in relation to the purpose for which it was originally collected
- restrict the processing of personal information - this enables them to ask us to suspend the processing of their personal information, eg if they contest its accuracy and so want us to verify its accuracy
- object to the processing of their personal information - this enables them to ask us to stop processing their personal information where we are relying on the legitimate interests of the business as our legal basis for processing and there is something relating to your particular situation which makes them decide to object to processing on this ground
- data portability - this gives them the right to request the transfer of their personal information to another party so that they can reuse it across different services for their own purposes.

To exercise any of these rights, a data subject should contact our Assistant Head (Pastoral). We may need to request specific information in order to verify the data subject's identity and check their right to access the personal information or to exercise any other rights. This is a security measure to ensure that their personal information is not disclosed to any person who has no right to receive it.

In the limited circumstances consent has been provided to the processing of personal information for a specific purpose, data subjects have the right to withdraw their consent for that specific processing at any time. This will not, however, affect the lawfulness of processing based on their consent before its withdrawal. Data subjects should contact our Assistant Head (Pastoral) to withdraw their consent.

Once we have received notification that consent has been withdrawn, we will no longer process the data subject's personal information for the purpose they originally agreed to, unless we have another legal basis for processing.

If a data subject believes that St Wystan's School has not complied with their data protection rights, they have the right to make a complaint to the Information Commissioner's Office (ICO) at any time. The ICO is the UK supervisory authority for data protection issues.

Transferring personal information outside the European Economic Area

St Wystan's School will not transfer personal information to countries outside the UK.

Automated decision making

Automated decision making occurs when an electronic system uses personal information to make a decision without human intervention. We do not use any recruitment decisions based on profiling.

Data Accuracy and Security

St Wystan's School aims to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the Assistant Head (Pastoral) or School Office of any significant changes to important information, such as contact details, held about them.

An individual has the right to request that any out-of-date, irrelevant or inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under Data Protection Law): please see above for details of why the St Wystan's School may need to process personal data, or who you may contact if you disagree.

St Wystan's School will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around the use of technology and devices, and access to school systems. All staff have been made aware of this policy and their duties under Data Protection Law and have received relevant training.

Children

Consent from a child under 16 will have to be authorised by a parent. Children have a right 'to be forgotten' electronically and digitally.

The School will only grant the pupil direct access to their personal data if in the School's reasonable belief the pupil understands the nature of the request. Pupils agree that the School may disclose their personal data to their parents or guardians.

Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interest of the pupil or other pupils.

Personal Data Breaches Data breaches may include:

- Loss/theft of data (or equipment on which stored)
- Equipment failure
- Malicious or accidental deletion of data
- Hacking attack
- 'Blagging' cons
- 'Phishing' cons
- Given away willingly or mistakenly
- Inappropriate viewing – over the shoulder
- Data sharing – too many copies made

The GDPR requires mandatory breach notification to the Information Commissioner's Office within 72 hours and, in some cases to affected individuals. The Chief Privacy Officer monitors and records any data breaches and liaises with the ICO.

Minimising the Risk of Data Breaches

Staff have been trained about the GDPR and how to minimise data breaches. Such measures may include:

- Updated internet and anti-virus security

- Using secure storage and Cloud storage
- Encryption
- Keeping backups of important data (securely)
- Being aware of the importance of personal data
- Knowing where the data they are using is

In addition, staff have been advised to:

- Make sure we use data safely and securely
- Only use what is needed
- Be aware of who is around us when looking at data
- Keep a policy of 'Clear screen, clear desk' and 'Cover, File, Shred'
- Make sure we store data securely
- Electronic data password-protected at all times
- Paper-based data locked away
- Noticeboards, shelves, desks etc clear of data
- Change passwords and keep them secure
- Engage logins
- Laptop logins
- Wifi passwords
- Eliminate random pen drives
- Encrypt files where necessary
- Pen drive amnesty
- Do not give out other people's personal data
 - o Party invitations
 - o Class lists
- Do not use personal devices
 - o Only use school devices to store data
 - o Make sure school devices are 'clean' and not shared
- Consider and plan for data loss
 - o Equipment failure
 - o Fire, theft, loss
 - o Hacking/blagging attacks
- Look at classrooms/offices/relevant school areas
 - o Clear anything sensitive that should be locked away
 - o Do not leave anything on view for others to see
 - o Check noticeboards etc for sensitive data

Access to Data Rights of Access

Individuals have a right of access to information held by the School. Any individual wishing to access their personal data should contact the Assistant Head (Pastoral).

Timescale

The School will endeavour to respond to any such requests as soon as is reasonably practicable and, as far as is possible, within 30 days.

Records

Parents have the right to free access to developmental records about their child (eg EYFS profile). However, a written request must be made for children's personal academic files and account will be taken of data protection rules when disclosing records that refer to third parties. Parents are notified in the Parents' Handbook that they may have access to their child's records.

Exemptions

Certain data is exempt from the right of access under the Data Protection Act. The School is not required to disclose any pupil assessment scripts. The School may withhold any data exempt from disclosure eg:

- Manual data to which the Act does not apply
- Where disclosure of a particular record would be likely to cause serious harm or distress to the health of the person requesting disclosure or to someone else
- Where information is subject to legal professional privilege
- Where disclosure of a particular record will disclose information relating to another person.

Changes to this Policy

St Wystan's School reserves the right to update or amend this policy at any time. We will issue a new policy via our website when we make significant updates or amendments. We may also notify you about the processing of personal information in other ways.

Contact

Any questions about this policy or how we handle personal information should be directed to the Assistant Head (Pastoral) through the email secretary@stwystans.org.uk or by telephone on 01283 703258.