

Richard Cobden School Data Protection Policy

1. Introduction and Scope

- I.1 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 are the laws governing the processing of personal data in the United Kingdom. They apply to anyone that uses or accesses personal data.
- I.2 This policy sets out how Richard Cobden School processes personal data and complies with the legislation referred to in section 1.1 and covers all processing of personal data whether in electronic or paper formats.
- I.3 Richard Cobden School is a Data Controller registered with the Information Commissioner's Office (ICO) registration number Z7648352 and must comply with the regulations in the processing of personal data, including the way in which the data is obtained, stored, used, disclosed and destroyed. The school must be able to demonstrate compliance. Failure to comply exposes the school to civil claims and/or enforcement action from the ICO that may include financial penalties.
- I.4 Staff, when processing personal data for school business, are acting on behalf of the Data Controller, and for avoidance of doubt, when this policy refers to actions the school shall take, it also means the staff involved with the processing of relevant personal data.
- I.5 This policy does not form part of the contract of employment for staff, but it is a condition of employment that employees will abide by the rules and policies made by the school. Any failures to follow this policy may result in disciplinary proceedings.

2. Personal Data

- 2.1 Personal data only includes information relating to natural persons who can be identified or who are identifiable, directly from the information in question, or who can be indirectly identified from that information in combination with other information (for example: name, address, date of birth, National Insurance number, bank account details etc.).

- 2.2 Personal data may also include special categories of personal data. This is information about racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health or condition, sexual life, biometric data. Separate rules also apply in relation to information relating to criminal convictions.
- 2.3 Richard Cobden School will only collect and process this information for specific purposes where allowed by the law (for example equal opportunities monitoring) or where it has asked and received consent to do so.
- 2.4 The school is required to adhere to the six Data Protection Principles specified in article 5.1 of the GDPR. The school is also required to maintain records that demonstrate this compliance by article 5.2 of the GDPR. This is achieved by this policy document, maintaining a record of processing activities in an Information Asset Register, and any further policies that are specific to those processing activities.
- 2.5 This policy deals with the Data Protection Principles in sections 4 through 9.

3. Data Protection Officer

- 3.1 The school is required by the legislation to appoint a Data Protection Officer (DPO). The Data Protection Officer is Andrew Maughan, Borough Solicitor for the London Borough of Camden. He can be contacted at schoolsdpo@camden.gov.uk or 0207 974 4365. The Data Protection Officer is supported by Data Protection Advisors that monitor these contact details and carry out business-as-usual tasks on his behalf.
- 3.2 The role of the Data Protection Officer helps the school to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the supervisory authority.
- 3.3 Should data subjects, e.g. pupils, parents, or staff, have concerns or enquiries regarding Data Protection, they should in the first instance discuss these with the school's

leadership. But if this is not possible or not practical in the circumstances, they may contact the DPO directly.

4. Fair, lawful, and transparent.

4.1 The school commits to compliance with the first Data Protection Principle by handling Personal Data fairly:

4.1.1 The school will only process Personal Data in ways which would reasonably be expected of a school and will be honest and transparent about the reasons for any processing. Should there be any processing required which may be unexpected or unusual, school leadership in conjunction with the DPO will take steps to inform the subjects as far as reasonably possible under the circumstances. This may take the form of an extra Privacy Notice. (See Section 4.3 (Privacy Notices))

4.1.2 If there may be any adverse effects on data subjects due to processing the school will give consideration to these and be able to justify any such processing. See section 11 – Data Protection Impact Assessments.

4.2 The school commits to handle personal data lawfully by assessing the lawful basis for all significant processing activity. This will be maintained in the Information Asset Register, and where necessary, recording in a DPIA.

4.3 The school is committed to transparency and upholding the right of the data subject to be informed of how their data is being processed. This is normally done through providing a copy of, or a link to, the School's Privacy Notice:

[Privacy Notice-for Parents and Guardians of pupils](#)

Additional Privacy Information may be communicated with data subjects as required.

4.3.1 This Privacy Notice or additional information will be provided at the time the information is collected. Should the information be obtained from a third party, such as the Local Authority or Department of Education, the school will normally provide this information within 30 calendar days.

5. Purposes of processing

- 5.1 The school shall process data only for the purposes it was originally collected, or compatible purposes. The purposes will be communicated with the data subject in a Privacy Notice as per section 4.
- 5.2 Should a need arise to process data in an additional or different way to the purposes originally specified, the school's leadership shall consult the DPO regarding a Data Protection Impact Assessment. The new purposes must be found to be lawful and fair, and then communicated transparently as per section 4.

6. Data Minimisation

- 6.1 The school will not collect more data than it requires. For significant processing activities, the Information Asset Owners listed in the Information Asset Register will be responsible for ensuring that only the minimum information required for the specified purpose is held, and no more. Often this will involve reviewing forms that are used to collect data, and ensure that there are not fields collecting information that is no longer used.
- 6.2 For any other processing carried out on behalf of the school, the staff carrying out the processing will be responsible for compliance with this principle. In summary, staff should assess the need to collect personal data before doing so, and only collect personal data when necessary, and then only the minimum data required.

7. Data Accuracy

- 7.1 For significant processing activities, the Information Asset Owners listed in the Information Asset Register shall be responsible for ensuring accuracy of data. This will involve an assessment of the risks associated with the data being or becoming inaccurate and implementing an appropriate procedure for ensuring the data obtained is accurate and is kept accurate.

7.2 Individual staff remain responsible for keeping and maintaining their own accurate records for any other processing undertaken.

8. Retention and Destruction

8.1 Personal data shall be kept only for as long as it is required for the purpose it was collected for and no longer.

8.2 The school has a Retention and Destruction Policy to specify how long information is kept for. It also specifies how it is disposed of at the end of this period.

8.3 Each entry in the Information Asset Register shall have a corresponding entry in the Retention and Destruction Policy.

8.4 The Information Asset Owners are responsible for ensuring deletion/destruction is carried out in accordance with the Retention and Destruction Policy, and also for keeping the necessary records to show that data have been appropriately destroyed.

8.5 Other records (those not included in the Asset Register) may also be included in the Retention and Destruction Policy to assist with managing files. Staff will seek advice if uncertain about how long they should be keeping a record.

9. Information Security

9.1 For significant processing activities, the Information Asset Owners listed in the IAR shall be responsible for carrying out a risk assessment and ensuring security measures in place adequately reflect the risks associated with that processing. This is in addition to any basic requirements set out below.

9.2 Digital

9.2.1 Richard Cobden School will ensure that the data held on our IT systems is processed, stored and disposed of in accordance with the principles of the Data Protection Act 2018. Access to data will only be provided to authorised staff members who have a

legitimate reason to access this information for the purposes of carrying out their duties.

- 9.2.2 Data will be held securely, with access being password protected.
- 9.2.3 Where digital transfer of pupil information to other organisations is necessary, this will be securely sent using a secure access means such as DfE secure portal, Egress, School2School or LGfL USO FX.
- 9.2.4 Information held under Data Protection Act 2018, must never be transferred using personal email accounts.
- 9.2.5 Any breaches of data protection must be reported to the Headteacher or School Business Manager immediately.
- 9.2.6 Staff must adhere to the requirements of our Online Safety Policy [Online Safety Policy](#)
All passwords must remain confidential and not be shared with anybody. To maintain security, passwords must be changed as prompted by our information systems. USB Storage devices (including encrypted devices) are not permitted for transporting sensitive data under any circumstances. Staff must use their Google for Education iCloud Account for this purpose.
- 9.2.7 When an employee leaves the employment of Richard Cobden School, their IT accounts will be deactivated and all access will be prohibited.

9.3 Paper and other hard copy data

- 9.3.1 All staff must store any hard copies of data securely in school. Data should never be stored in a manner or place where it could be at risk, even temporarily. Where transporting of sensitive data is necessary, this must be done using the procedures outlined in section 9.2. Only when absolutely necessary will hard copies of sensitive data be taken off the school site and this may only be done with the explicit authorisation of a member of the Senior Leadership Team. In such cases all data is to be kept in a locked bag and must not be displayed or readable during transportation to avoid any risk of unauthorised disclosure.
- 9.3.2 Where it is absolutely necessary to take confidential information (e.g. emergency plan, business continuity plan, emergency contact details) off the school premises, as sanctioned by a member of the Senior Leadership Team with the necessary authority, these documents must be kept securely under lock and key. This means that such information should be stored in a private lockable cupboard or similarly secure space,

- and should be kept out of sight (e.g. not left on tables or in hallways where it would be visibly obvious to unauthorised persons, such as housemates, or intruders).
- 9.3.3 Paper based information should also be stored separately from high value items such as laptops wherever possible, and should not be kept together in a laptop bag.
- 9.3.4 It is understood that staff often need to take pupils' books home for marking. This is an acceptable part of the role of a teacher. When taking children's books offsite, they must be transported in a zip lock bag and care must be taken to maintain security of them whilst off site.
- 9.3.5 Printing of confidential information must only be done on secure school printers and must be retrieved from the printer immediately.
- 9.3.6 Sensitive information must not be left lying around where it can be read by unauthorised people, e.g. on classroom desks, in staff workroom, in photocopy room or on cupboards.
- 9.3.7 All filing cabinets and cupboards holding confidential or sensitive information must be kept locked away and the keys stored securely.
- 9.3.8 When disposing of sensitive or confidential information, it must be either taken to one of the school shredders or placed in the confidential waste bin which is located in the premises office.
- 9.3.9 Staff must ensure they know who to contact for security advice and guidance, including when working remotely, and how to contact them.
- 9.3.10 Staff must store data securely at all times and should never store data, even temporarily, where it may be at risk (e.g. staff must not take data to a pub or restaurant on the way home, or leave it in the back of a car overnight or when at the supermarket).
- 9.3.11 Paper based information should only be carried outside the organisation if absolutely necessary and only with the explicit approval of the Head Teacher or authorised deputy in their absence.
- 9.3.12 This information should not be read or displayed on public transport, or in public spaces due to the risk of unauthorised disclosure.
- 9.3.13 Where it is absolutely necessary to keep confidential information at home (for example key emergency contact details or business continuity plans) as sanctioned by a manager with the necessary authority, these documents must be kept securely under lock and key. This means that such information should be stored in a private lockable cupboard or similarly secure space, and should be kept out of sight (e.g. not left on

tables or in hallways where it would be visibly obvious to unauthorised persons, such as housemates, or intruders).

9.3.14 Paper based information should also be stored separately from high value items such as laptops wherever possible, and should not be kept together in a laptop bag.

9.3.15 Staff must ensure they know who to contact for security advice and guidance, including when working remotely, and how to contact them.

10. Automated processing and decision making

The school does not carry out any automated processing or decision making using personal data.

11. Individual Rights

11.1 Subject Access

11.1.1 Individuals (“Data Subjects”) have the right to access their personal data. The person who the personal data is about is known as the data subject and the person who is making the request is known as the applicant. These can of course be the same person depending on the personal data sought. A common example of this relationship would be when a parent (applicant) is seeking personal information about their child (data subject).

11.1.2 To request access to personal data that the school holds about a Data Subject, a Data Subject Access Request (SAR) form [Data Subject Request Form](#) can be completed and submitted to the School. The form is not a requirement as a valid request does not have to be in a specified format. But for convenience of record keeping the school requests that applicants use the form.

11.1.3 Parents may request information about their children. However, the legislation specifies that the rights over personal data rest with the subject of that data, providing that the subject has sufficient maturity and competency to understand their rights. There is no prescribed age specified in the legislation for this, but other parts of the legislation indicate that 13 is a reasonable starting point. This means that:

- 11.1.3.1 Pupils aged 13 and over may be informed when a request is made, and their right refuse to allow disclosure. All of our pupils are aged under 13.
- 11.1.3.2 In the case of any child (including those under the age of 13) refusing to allow disclosure, an assessment must be made of their competency. If a child is assessed as competent then their control over their personal data for these purposes cannot be overridden by the wishes of the parents.
- 11.1.4 The school must take sufficient steps to be satisfied of the identity of the applicant and their right to the information. To these ends, the school may request any identification documents reasonably necessary to establish identity. These will normally include:
- 11.1.4.1 one piece of photographic identification, such as a valid passport, valid driving licence or a valid EU national identity card.
- 11.1.4.2 one piece of identification confirming address and dated within the last three months such as a utility bill, council tax statement or bank statement.
- 11.1.5 There is no fee for a Subject Access Request. Where a request is manifestly unreasonable or excessive then the school will opt to refuse the request rather than charge a fee as allowed by the legislation.
- 11.1.6 The school has one calendar month to respond to a subject access request. This may be extended in some circumstances which will be explained at the time they occur.
- 11.1.7 The details in this policy are a summary only. The school will manage Subject Access with due regard to the Information Commissioner's Office Subject Access Code of Practice, and where necessary, in consultation with the Data Protection Officer.
- 11.1.8 A separate right exists under the Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437) for parents to view their child's Educational Record free of charge.
- 11.1.9 However, a charge may be made for providing a copy of these document. The school may also charge a reasonable fee to comply with requests for further copies of the same information. The fee will be based on the administrative cost of providing the information.

11.2 Other individual rights

- 11.2.1 Further rights provided by the legislation and relevant to the processing carried out by the school are:

- Right to rectification
- Right to erasure (Right to be forgotten)
- Right to restrict processing
- Right to object to processing

11.2.2 The school will uphold these rights in accordance with the legislation. Individuals wishing to know more about these rights should be referred to the Information Commissioner's Office website. <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>

11.2.3 To exercise their rights data subjects should contact the School Business Manager or Data Protection Officer.

12. Closed Circuit Television (CCTV)

12.1 The school uses CCTV for the purposes of:

12.1.1 Monitoring entrance to the school and allowing office staff to observe visitors.

12.1.2 Security and crime prevention

12.1.3 Monitoring and investigation of any incidents that occur on school premises.

12.2 CCTV is / is recorded.

12.2.1 Recordings are only kept for 30 days unless specifically marked for retention. For example, when it is known that an incident has been recorded and the CCTV asset owner decides the footage will be retained.

12.2.2 Footage retained will be kept for as long as necessary to serve the purpose it was retained for and the CCTV manager will review retained footage annually to determine if it is still required and dispose of any that is not, in line with the retention and destruction policy.

12.3 The school's CCTV manager is the School Business Manager and they are responsible for ensuring CCTV is managed in line with the ICO's CCTV code of conduct.

13. Information Asset Register

13.1 The school is required by Article 30 of the GDPR to keep a record of data processing activities. This is maintained in an Information Asset Register.

13.2 For each Asset listed in the register, there will be specified:

- 13.2.1 The purposes the information is used for.
- 13.2.2 The categories of data subjects (e.g. students, parents, staff)
- 13.2.3 The categories of personal data (e.g. contact details, educational records, employment records)
- 13.2.4 The retention period for that data, or link to the retention and destruction policy.
- 13.2.5 Details of any transfers to international organisations or third party countries.
- 13.2.6 Security measures protecting the data
- 13.2.7 The condition(s) under Article 6 and/or Article 9 of the GDPR that allow the processing
- 13.2.8 The lawful basis relied on for the processing
- 13.2.9 The details of any joint Data Controllers
- 13.2.10 The information necessary to demonstrate compliance with any of the other functions referred to in this policy. e.g. sections 4 through 9.
- 13.2.11 The Information Asset Owner (IAO)
- 13.3 The maintenance of this register will be overseen by the School Business Manager and the responsibility for ensuring each entry remains accurate and is regularly reviewed lies with the corresponding IAO.

14. Information Sharing with third parties / joint controllers / processors

- 14.1 The school shall only share data with third parties when the following conditions are met:
 - 14.1.1 There is a contract in place with specifying how the third party will process data on behalf of the school.
 - 14.1.1.1 All contractors are required to meet specified data security standards, and have adequate policies in place.
 - 14.1.2 There is a written Information Sharing Agreement in place with another Data Controller such as the Local Authority or another school which describes the responsibilities of both parties.
 - 14.1.3 An exemption applies which allows or requires the school to disclose data to that third party (for example, to assist with police investigations or by the order of the courts).
 - 14.1.3.1 Police or other parties asking the school to disclose data for these purposes should contact the School Business Manager on 020 7387 5909.

14.1.4 Where other conditions set out in regulation 6 and/or regulation 9 of the GDPR apply and permit personal data to be shared. E.g. the subject has given consent.

14.2 The school does not store or transfer data outside of the European Union.

15. Data Breaches

The school has a Data Breach Policy which relates to all personal and sensitive data held by the school regardless of format; electronic or paper based.

Every care is taken to protect personal data from incidents (either accidentally or deliberately) to avoid a data protection breach that could compromise security.

The Data Breach Policy sets out the procedure to be followed to ensure a consistent and effective approach is in place for managing data breach and information security incidents.

All staff should be aware that any breach of the Data Protection Act 2018 or the General Data Protection Regulation (GDPR) might result in the school's Disciplinary Procedures being instigated.

Appropriate measures are taken against unauthorised or unlawful processing and against accidental loss, destruction of or damage to personal data by the school. This procedure will be followed in the event of a data security breach, examples of which are:

- Loss or theft of data or equipment on which data is stored on school premises or outside
- Inappropriate access controls allowing unauthorised use
- Equipment failure
- Human error - correspondence with personal data sent to the wrong email address
- Unforeseen circumstances such as a fire or flood
- Hacking attack
- 'Blagging' offences where information is obtained by deceit from the school

12.2 The school will follow the following steps if a data security or potential data security breach occurs:

1. Detection

When a member of staff becomes aware that a breach or potential breach has occurred, they must notify the SIRO and DPO as soon as possible.

2. Containment and recovery

Information Governance Advice and Data Protection Officer Services

- Establish who needs to be made aware of the breach and inform them of what they are expected to do to assist in the containment exercise
- Establish whether there is anything you can do to recover any losses and limit the damage the breach can cause.
- Where appropriate, inform the police
- Assess whether the breach should be reported to the ICO
- Notify the ICO within 72 hours of breach being detected if breach is identified as serious

3. Assessment of ongoing risk

The following points are also likely to be helpful in making this assessment:

- What type of data is involved – staff or pupil sensitive personal data
- Where personal data has been lost or stolen, are there any protections in place such as encryption?
- How many staff and/or pupils personal data are affected by the breach?
- What harm can be done to these individuals – risks to physical safety, reputation etc.

4. Notification of breach

The DPO and SIRO will arrange for those affected by the breach to be notified as soon as practically possible.

5. Evaluation and response

In the event of a breach, the DPO will complete an investigation as to the causes of the breach and also evaluate the effectiveness of the school's response to it. This will be reported to a Committee of the Governing Body and where necessary, the school will update its policies and procedures accordingly.

The school will maintain a log of breaches, specifying the nature of the incident and the response taken.

16. Privacy by design and default, and Data Protection Impact Assessments (DPIA)

- 16.1 Whenever the school is implementing a new system or business practice that involves the processing of personal data, the school will observe privacy by design.
- 16.2 A DPIA is a risk based approach required by the GDPR to identify and manage high risk processing by identifying it and associated risks early.

- 16.3 All new projects or systems which involve a significant amount of personal data processing require a DPIA screening questionnaire to be completed by the project manager.
- 16.4 The screening questionnaire shall be submitted to the Headteacher/School Business Manager and the DPO, who will advise on the risks and whether a full DPIA is required.
- 16.5 For those projects considered to be High Risk, or otherwise requiring a full DPIA, the project manager and the DPO will prepare the full DPIA for submission to the governing body for approval before the project is able to proceed.
- 16.6 The screening questionnaire, the full DPIA, and associated guidance about how to complete these can be obtained from the School Business Manager.

17. Photography

- 17.1 The school uses photographs of individuals for the following purposes:
- 17.1.1 Security and access purposes (ID cards or passes)
 - 17.1.2 To assist staff with the identification of pupils with allergies
 - 17.1.3 Class photographs – records for posterity.
 - 17.1.4 Our own publications – such as newsletters, our website, or the prospectus.
 - 17.1.5 Providing photographs for other media to use in their publications.
- 17.2 Consent will be sought for the use of photographs when a pupil joins the school except where the use of photographs is considered essential to the operation of the school or the safety of pupils (sections 17.1.1 and/or 17.1.2)
- 17.2.1 Wherever practical, the school will ask for consent at the time they require the use of the image. In order to make management of publications practically possible, the school may rely on the blanket consent given, referred to in 17.2, for using the photographs where the use would be reasonable and expected by the subject.
 - 17.2.2 Where the use would be considered exceptional, the school will seek specific consent from the subject as per section 20 below.

18. Telephone Call Recordings

- 17.3 The school does not normally record telephone calls that are made to 0207 387 5909, other than messages left by incoming callers to the automatic voice mail service, for example parents/guardians reporting their child's absence. Outgoing calls are not normally recorded.
- 17.4 The staff absence reporting line (020 7388 5677) has a voicemail recording facility where staff can leave details of their absence. This is done for the purpose of reporting staff absence and for arranging cover requirements (where applicable).
- 17.5 When this occurs, the person calling will be informed, normally at the beginning of the call by an automatic message. If for any reason it becomes necessary to begin recording the call, the person calling will be informed as soon as the recording begins.
- 17.6 Call recordings are usually deleted after they have been listened to. In exceptional circumstances (e.g. threatening or abusive phone message left on voicemail) messages can be stored for up to 30 days on either the school answer machine or BT voicemail service. If information is required for legal or other action, the message will be recorded digitally and stored securely and confidentially on the school network for no longer than is required for the purposes of any action being taken. The school will be advised of the Data Protection Officer and/or legal services in such matters.

18. Biometrics

- 18.1 Biometric data means personal information about an individual's physical or behavioural characteristics that can be used to identify that person; this can include their fingerprints, facial shape, retina and iris patterns, and hand measurements. The school does not use biometric data.

19. Consent

- 19.1 In order to process personal data, the school relies primarily on the conditions provided by regulation 6(1)(c) (legal obligation) or 6(1)(e) (public task). The condition provided by 6(1)(a) (consent) will normally only be used when another does not apply.
- 19.2 When consent is used as the basis for processing, the school shall request consent and that request shall:

- 19.2.1 Be in writing.
- 19.2.2 Require a positive action to “opt in” or give consent.
- 19.2.3 Be clear and concise and where consent is being asked of a child; extra care shall be taken to phrase the consent in terms they are likely to understand.
- 19.2.4 As far as practicable in the circumstances, be specific and granular to avoid blanket consent or any other possible confusion.
- 19.2.5 Be provided alongside a Privacy Notice. (See section 4.3 of this policy)
- 19.2.6 Explain how to withdraw consent.
 - 19.2.6.1 It will always be possible for consent to be withdrawn at any time after it has been given, although if the processing has already occurred it may not be possible to reverse that. e.g. If a publication is already printed and distributed, and a subject changes their mind about the use of a photograph, the school may only be able to stop the use of that photograph in future publications.
- 19.3 Processing shall not take place until the consent request has been completed and returned. The consequences of this will be explained in the request.
- 19.4 Consent from children
 - 19.4.1 The rights provided by the legislation rest with the subject of the data. This means that where the data is about children, and where the child has sufficient maturity and understanding, the child may exercise their right to consent, or withdraw consent, as appropriate. There is no fixed age provided by the legislation, but as a starting point, children aged 13 years or older will be informed of consent requests and their associated rights.
- 19.5 The school will maintain sufficient records of consent to be able to demonstrate that consent has been given or withdrawn for any processing of personal data relying on consent until that processing has ceased.

20. Review

This policy will be reviewed annually by the School Business Manager. This policy is subject to as required by developments in case law or guidance issued by the ICO or other official body. Changes may occur without advance notice.

Version control

Date: April 2021

Updated by: Caroline Meah- School Business Manager