



**Data Protection Policy  
2021**

# Holy Trinity and S. Silas

## Our Mission Statement

Holy Trinity and S. Silas School was founded by the Church in 1847 to serve the community and to provide an education for every child in the area.

We offer all our children an education of the highest quality taught through the arts and lived through the principles and practice of the Christian faith. We provide a place where all children and adults know their contribution is valued and where they can develop their own faith in God and in one another.

We aim to help every child develop to their full potential, to achieve highly, succeed, and grow in confidence and abilities. Our inspiring curriculum provides all the skills every child will need for life, it develops their self-confidence, awakens their imagination and encourages them to think independently.

We value the diversity of backgrounds and cultures which enrich our life and help our school become the unique place it is. The life of our school is integral to that of the Parish: we both contribute to our local community and benefit from it in our achievements.

It is in this way that we prepare our children for the future and fulfil our school motto: 'Fortis in Fide' (*'Strong in the Faith'*).

*"And let us consider how we may spur one another on toward love and good deeds, but encouraging one another-and all the more as you see the Day of the Lord approaching." (Hebrews 10.25)*



'Strong in the Faith'

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## 1. Aims

Holy trinity & S. Silas aims to ensure that all personal data collected, stored, processed and destroyed about any natural person, whether they be a member of staff, pupil, parent, Governor, visitors, contractor, consultant, or any other individual is done so in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format, or the type of filing system it is stored in, and whether the collection or processing of data was, or is, in any way automated.

## 2. Legislation and guidance

This policy meets the current requirements of Data Protection legislation. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR, GDPR (UK) and DPA 2018. It is also based on the information provided by the Article 29 Working Party.

Additionally, it meets the requirements of the Protection of Freedoms Act 2012, ICO's code of practice in relation to CCTV usage, and the DBS Code of Practice in relation to handling sensitive information. This policy complies with the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

## 3. Definitions

<u>Term</u>	<u>Definition</u>
<b>Data controller</b>	The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
<b>Data processor</b>	A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller, following the Controller's instruction.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Consent</b>	Freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.
<b>Personal data</b>	Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a <ul style="list-style-type: none"><li>• name,</li><li>• an identification number,</li><li>• location data,</li><li>• an online identifier or</li><li>• to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural</li></ul>

person.

**Special categories of personal data**

Personal data which is more sensitive and so needs more protection, including Information about an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
- Health – physical or mental
- Sex life or sexual orientation
- history of offences, convictions or cautions \*

\* Note: Whilst criminal offences are not listed as special category data, within this policy they are regarded as such in acknowledgment of the extra care which is needed with this data set.

**Processing**

Any operation or set of operations which is performed on personal data or on sets of personal data, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Processing can be automated or manual.

**Data breach**

A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

**4. The data controller**

Holy Trinity & S. Silas collects and determines the processing for personal data relating to parents/carers, pupils, the school workforce, governors, visitors and others, in addition they process data on the behalf of others therefore is a data controller and a data processor.

The School is registered as a data controller with the ICO and will renew this registration as legally required, the registration number is Z7482728

**5. Roles and responsibilities**

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

## 5.1 Governing Board

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

## 5.2 Data Protection Officer

The School has appointed Grow Education Partners Ltd as its Data Protection Officer (DPO), the responsible contact is Claire Mehegan who is contactable via [claire.mehegan@london.anglican.org](mailto:claire.mehegan@london.anglican.org)

They are responsible for overseeing the implementation of this policy and reviewing our compliance with data protection law, along with any future development of related policies and guidelines where applicable.

Upon request the DPO can provide an annual report of the school's compliance status directly to the governing board and will report to the board their advice and recommendations on school data protection issues.

The DPO is a named point of contact for all Data Subjects whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their SLA for service.

## 5.3 Representative of the data controller

The School Business Manager acts as the representative of the data controller on a day-to-day basis.

## 5.4 All Employees

Employees (regardless of role) are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, e.g. a change of address, telephone number, or bank details.
- Reporting a Data Breach, Data Right Request, or Freedom of Information Request.
- Contacting the DPO, or the School Business Manager who can seek guidance on their behalf:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - If they need to rely on or capture consent, draft a privacy notice/notification, deal with data protection rights invoked by an individual, or transfer personal data outside the United Kingdom.
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
  - If they need help with any contracts or sharing personal data with third parties

## **6. The Data protection principles**

Data Protection is based on seven principles that the school must comply with.

These are that data must be;

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

The Accountability principle ties these all together by requiring an organisation to take responsibility for complying with the other six principles. Including having appropriate measures and records in place to be able to demonstrate compliance.

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

## 7. Processing personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of six 'lawful basis's (legal reasons) to do so under data protection law:

- The individual (or their parent/carer when appropriate) has freely given clear **consent**
- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)

For special categories of personal data, we will also meet one of the special category conditions for processing which are set under data protection law.

These are where:

- The individual (or their parent / carer in the case of a pupil, where appropriate) has **given explicit Consent**;
- It is necessary for the purposes of carrying out the **obligations and exercising specific rights** of the controller or of the data subject in the field of **employment** of a Data Controller or of a Data Subject.
- It is necessary to protect the **vital interests** of the Data Subject;
- Processing is carried out in the course of its **legitimate activities** with appropriate safeguards by a **foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim**.
- The Personal Data has **manifestly been made public** by the Data Subject;
- There is the **establishment, exercise or defence of a legal claim**;
- There are reasons of **public interest** in the area of **public health**;
- Processing is necessary for the purposes of preventative or occupational medicine (e.g. for the **assessment of the working capacity of the employee**, the medical diagnosis, the provision of health or social care or treatment);

- There are **archiving** purposes in the **public interest**;

Where we collect personal data directly from individuals, we will provide them with the relevant information required by data protection law, in the form of a privacy notice.

These privacy notices can be found in a location accessible and relevant to the data subjects

- Pupils and Parents/Carers: on the school website  
<https://www.holytrinitynw1.camden.sch.uk/school-office/privacy/>
- School Workforce (includes Trainees, Contractors and Consultants): In the staff room and on the school network
- Governors & Volunteers: On the school website
- Consultants & Contractors: On the school website

Additional Copies of the Privacy Notices are available on request by contacting Pam Macmeikan – School Business Manager p.macmeikan@holytrinitynw1.camden.sch.uk

## 7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data in our privacy notices.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary.

Employees must only access and process personal data where it is necessary to do their jobs.

We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate.

When personal data is longer required, employees must ensure it is destroyed. This will be done in accordance with the school document retention policy, which states how long particular documents should be kept, and how they should be destroyed.

Copies of the Document Retention Policy can be obtained by request from Pam Macmeikan – School Business Manager.

## **8. Sharing personal data**

In order to efficiently, effectively and legally function as a data controller we are required to share information with appropriate third parties, including but not limited to situations where:

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

We will also share personal data with law enforcement and government bodies when required to do so, these include but are not limited to:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

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

## 9. Transferring Data Internationally

We may send your information to other countries where:

- we or a company we work with store information on computer servers based overseas; or
- we communicate with you when you are overseas.

We conduct due diligence on the companies we share data with and note whether they process data in the UK, EEA (which means the European Union, Liechtenstein, Norway and Iceland) or outside of the EEA.

The UK and countries in the EEA are obliged to adhere to the requirements of the GDPR and have equivalent legislation which confer the same level of protection to your personal data.

From organisations who process data outside the UK and EEA we will assess the circumstances of how this occurs and ensure there is no undue risk.

Additionally, we will assess if there are adequate legal provisions in place to transfer data outside of the UK.

## 10. Individuals Data Protection Rights

### 10.1 Access Rights

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

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it.
- Tell you why we are holding and processing it, and how long we will keep it for.
- Explain where we got it from, if not from you.
- Tell you who it has been, or will be, shared with.
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this.
- NOT provide information where it compromises the privacy of others.
- Give you a copy of the information in an intelligible form.

### 10.2 Other Rights regarding your Data:

- Withdraw their consent to processing at any time, this only relates to tasks which the school relies on consent to process the data.
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it in certain circumstances and where sufficient supporting evidence is supplied
- Prevent the use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest, official authority or legitimate interests.
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Request a cease to any processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Submit a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

In most cases, we will respond to requests within 1 month, as required under data protection legislation. However, we are able to extend this period by up to 2 months for complex requests or exceptional circumstances.

We reserve the right to verify the requesters identification by asking for Photo ID, if this proves insufficient then further ID may be required.

If you would like to exercise any of the rights or requests listed above, please contact:

Pam Macmeikan

p.macmeikan@holytrinitynw1.camden.sch.uk

0207 267 0771

Holy Trinity & S. Silas Primary School

Hartland Road

London

NW1 8DE

The School will comply with the Data Protection legislation in regard to dealing with all data requests submitted in any format, individuals are asked to preferably submit their request in written format to assist with comprehension.

They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the request

If staff receive a subject access request, they must immediately forward it to Pam Macmeikan – School Business Manager who receives and logs data requests.

### 10.3 Children and Data Rights/Requests

An individual's data belongs to them therefore a child's data belongs to that child, and not the child's parents or carers.

However, children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of invoking a data request. Therefore, for children under the age of 12 most data requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Where a child is judged to be of sufficient age and maturity to exercise their rights and a request is invoked on their behalf, we would require them to give consent to authorise the action to be undertaken.

#### 10.4 Responding to subject access requests

When responding to requests, we will not disclose information if it:

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

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

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

In the event we refuse a request, we will tell the individual why, and tell them they have the right to refer a complaint to the ICO.

### **11. Parental requests to see the educational record**

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

Requests should be made in writing to the Senior School Administrator – Leoninne Stenmark [l.stenmark@holytrinitynw1.camden.sch.uk](mailto:l.stenmark@holytrinitynw1.camden.sch.uk)

, and should include;

- Name of individual
- Correspondence address
- Contact number and email address

### **12. Close Circuit Television (CCTV)**

We use CCTV in various locations around the school sites and premises for the detection and prevention of crime. However, footage may be used for additional reasons specified more fully in the CCTV Policy. We adhere to the ICO's code of practice for the use of CCTV and provide training to staff in its use.

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

The CCTV policy is available on request. Any enquiries about the CCTV system should be directed to Pam Macmeikan – School Business Manager

### **13. Photographs and videos**

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

The use of school photographs includes but is not limited to:

- Within school on notice boards and in school magazines, brochures, newsletters and prospectuses.
- Outside of school by external agencies and partners such as the school photographer, local and national newspapers and local and national campaigns we are involved with
- Online on our website or social media pages

We will obtain consent from the responsible individuals to use pupil images. When doing so we will clearly explain how the photograph and/or video will be collected and used to both the parent/carer and pupil when obtaining consent.

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

You can withdraw consent by contacting the School Senior Administrator – Leoninne Stenmark.

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

### **14. Data protection by design and default**

We will put measures in place to show that we have integrated data protection into all of our data collection and processing activities. These include, but are not limited to the following organisational and technical measures:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection regulations.
- Completing data privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies or processing tools. Advice and guidance will be sought from the DPO.
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regular training for the school workforce on data protection law, this policy and any related policies and any other data protection matters. Records of attendance will be kept to ensure that all data handlers receive appropriate training.
- Periodic audits will be undertaken to monitor and review our privacy measures and make sure we are compliant.
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our school DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold; maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how

and why we are storing the data, retention periods and how we are keeping the data secure.

## **15. Data security and storage of records**

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

In particular our organisational and technical measures include but are not limited to;

- Paper-based records and portable electronic devices, such as laptops, tablets and hard drives that contain personal data will be kept under lock and key when not in use. We endorse a clear desk policy.
- Papers containing confidential personal data will not be left out on display when not in use unless there is a compelling lawful basis to do so e.g. Public Task to display Allergy information in the Medical Room.
- Passwords that are at least eight characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals.
- Encryption software is used to protect any devices such as Laptops, Tablets and USB Devices where saving to the hard drive is enabled.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see Holy Trinity & S. Silas Primary School's E- safety policy, ICT user agreements – acceptable use policy and email use policy for further information)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected.

## **16. Disposal of records**

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will be rectified or updated, unless it is no longer of use and therefore will be disposed of securely.

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

When records are disposed of as part of the Data Retention schedule this is then recorded on our disposal log.

## **17. Personal data breaches**

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

All potential or confirmed Data Breach incidents should be reported to Pam Macmeikan – School Business Manager & Lorraine Dolan – Headteacher where they will be assigned a unique reference number and recorded in the school's data breach log.

Once logged, incidents will then be investigated, the potential impact assessed, and appropriate remedial action undertaken. The DPO will be consulted as required.

Where appropriate, we will report the data breach to the ICO and affected Data Subjects within 72 hours.

The full procedure is set out in the School Breach Management Policy, which is available on request, stored on the school network.

Examples of a Data Protection Breach include but are not limited to:

- Personal data being left unattended in a meeting room/in the staffroom/in the PPA room
- Sending information relating to a pupil or family to the wrong member of staff in school, or to the wrong parent
- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

## **18. Monitoring arrangements**

The DPO is responsible for monitoring and reviewing this policy as part of the general auditing and compliance work, they carry out.

They will work with Macmeikan – School Business Manager who is the School Data Protection Lead and Simon Kanto – Governor Data Protection Lead to ensure that this policy remains contemporaneous and appropriate.

This policy will be reviewed yearly, and changes recommended when appropriate. The Governors from the Resources committee will be asked to sign off the policy review and any necessary changes.

## **19. Links with other policies**

This data protection policy is linked to our:

- Freedom of information publication scheme
- Online E-Safety Policy
- ICT User Agreements
- Data Retention Schedule
- Breach Management Policy
- Asset Register
- Disaster Recovery/Business Continuity Planning and Risk Register.
- Safeguarding and Child Protection Policy
- CCTV Policy

**Policy reviewed: 02 July 2021**

**Approved by Governors – Resources Committee: 15/07/2021**