Data Protection Policy

Clarity Independent School

Bridge Barn Farm
Woodhill Road
Sandon
CM2 7SG

Written by Wendy White
(Guidance taken from Peninsula Business Services Limited)

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Bridge Farm Barn, Woodhill Road, Sandon, Chelmsford CM2 7SG Tel: 07935 924 466 admin@clarityassessments.co.uk DfE number 881/6073

Introduction

Clarity Independent School needs to collect and use information about people with whom we work. This can include pupils, parents/ carers, employees, suppliers, business contacts and others.

We regard the lawful and correct treatment of personal information as very important to our successful operation and to maintaining confidence between us and those with whom we carry out business. We will ensure that we treat personal information lawfully and correctly.

To this end we fully endorse and adhere to the principles of the General Data Protection Regulation (GDPR).

This policy applies to the processing of personal data in manual and electronic records kept by us in connection with our human resources function as described below. It also covers our response to any data breach and other rights under the GDPR.

This policy applies to the personal data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors. These are referred to in this policy as relevant individuals.

DEFINITIONS

"Personal data" is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier. It can also include pseudonymised data.

"Special categories of personal data" is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

"Criminal offence data" is data which relates to an individual's criminal convictions and offences.

"Data processing" is any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, 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.

This policy explains how personal data is collected, handled and stored to meet General Data Protection Regulations (GDPR).

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Clarity Independent School:

- Complies with data protection law
- Protects the right of pupils, staff, parents/ carers and others
- Is open about how it stores and processes data
- Protects itself from data breaches

DATA PROTECTION PRINCIPLES

Under GDPR, all personal data obtained and held by us must be processed according to a set of core principles. In accordance with these principles, we will ensure that:

- processing will be fair, lawful and transparent
- data be collected for specific, explicit, and legitimate purposes
- data collected will be adequate, relevant and limited to what is necessary for the purposes of processing
- data will be kept accurate and up to date. Data which is found to be inaccurate will be rectified or erased without delay
- data is not kept for longer than is necessary for its given purpose
- data will be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- we will comply with the relevant GDPR procedures for international transferring of personal data

Data

Data is any information the school collects and stores about individuals and organisations. Sensitive data includes information about:

- Race/ ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Health and sexual orientation
- Genetic data
- Biometric data

Data can be stored electronically, on paper or other materials. Personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

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TYPES OF DATA HELD

We keep several categories of personal data on our employees in order to carry out effective and efficient processes. We keep this data in a personnel file relating to each employee and we also hold the data within our computer systems, for example, our course booking system.

Specifically, we hold the following types of data:

a) personal details such as name, address, phone numbers
b) information gathered via the recruitment process such as that entered into a CV or included in a CV cover letter, references from former employers, details on your education and employment history etc
c) details relating to pay administration such as National Insurance numbers, bank account details and tax codes
d) medical or health information
e) information relating to your employment with us, including:

i) job title and job descriptions
ii) your salary
iii) your wider terms and conditions of employment
iv) details of formal and informal proceedings involving you such as letters of concern, disciplinary and grievance proceedings, your annual leave records, appraisal and performance information
v) internal and external training modules undertaken

All of the above information is required for our processing activities. More information on those processing activities are included in our privacy notice for employees, which is available from your manager.

Data Subject

A 'Data Subject' is someone whose details the school keeps on file. The data subject has the following rights under data protection legislation:

a) the right to be informed about the data we hold on you and what we do with it;
b) the right of access to the data we hold on you. More information on this can be found in the section headed "Access to Data" below and in our separate policy on "Subject Access Requests";
c) the right for any inaccuracies in the data we hold on you, however they come to light, to be corrected. This is also known as 'rectification';
d) the right to have data deleted in certain circumstances. This is also known as 'erasure';
e) the right to restrict the processing of the data;
f) the right to transfer the data we hold on you to another party. This is also known as 'portability';
g) the right to object to the inclusion of any information;
h) the right to regulate any automated decision-making and profiling of personal data.

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Although data protection legislation affords these rights to individuals, in some cases the obligations schools have to share data with override these rights (see 'Privacy Notices').

Organisational Arrangements

Roles & Responsibilities

In order to protect the personal data of relevant individuals, those within our business who must process data as part of their role have been made aware of our policies on data protection.

Data Controller

The 'Data Controller' has overall responsibility for the personal data collected and processed and has a responsibility for ensuring compliance with the relevant legislation. At Clarity Independent School, the Data Controller is:

Debbie Hanson

Data Processor

A 'Data Processor' uses, collects, accesses or amends the data that the controller is authorised to collect or has already collected. It can be a member of staff, third party company or another organisation such as the police or Local Authority (LA).

The Headmistress will:

- Establish and maintain a positive data protection culture.
- Review and monitor the effectiveness of the policy.
- Appoint a Data Protection Officer and provide adequate resources and support for them to fulfil their statutory duties.

Our Data Protection Officer is:
Jenny Lodge

- Allocate sufficient resources for data protection, e.g. in respect of training for staff, encryption technology for devices.
- Monitor and review data protection issues.
- Ensure there is adequate training, information, instruction, induction and supervision to enable everyone to comply with their data protection responsibilities.
- Review and act upon data protection compliance reports from the Data Protection Officer.
- Promote a positive data protection culture.
- Ensure that all staff co-operate with the policy.
- Ensure that staff are competent to undertake the tasks required of them and have been provided with appropriate training.
- Provide staff with equipment and resources to enable them to protect the data that they are processing.

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- Ensure that those who have delegated responsibilities are competent, their responsibilities are clearly defined, and they have received appropriate training.
- Monitor the work of the Data Protection Officer to ensure they are fulfilling their responsibilities.

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The Data Protection Officer will:

- Monitor compliance with the legislation and report to the Head Teacher on a termly basis.
- Cooperate with the supervisory authority (e.g. Information Commissioners Office) and act as the main contact point for any issues.
- Seek advice from other organisations or professionals, such as the Information Commissioners Office as and when necessary.
- Keep up to date with new developments in data protection issues for schools.
- Act upon information and advice on data protection and circulate to staff.
- Carry out a data protection induction for all staff and keep records of that induction.
- Coordinate the school response to a Subject Access Request.
- Coordinate the school response to a data breach

Staff at the school will:

- Familiarise themselves and comply with the Data Protection Policy.
- Comply with the school's data protection arrangements.
- Follow the data breach reporting process.
- Attend data protection training as organised by the school.

Detailed Arrangements & Procedures

Data Management

Data Registration

Clarity Independent School is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

Data Protection Officer

Clarity Independent School has appointed a Data Protection Officer (DPO).

LAWFUL BASES OF PROCESSING

We acknowledge that processing may be only be carried out where a lawful basis for that processing exists and we have assigned a lawful basis against each processing activity.

Where no other lawful basis applies, we may seek to rely on the data subject's consent in order to process data.

However, we recognise the high standard attached to its use. We understand that consent must be freely given, specific, informed and unambiguous. Where consent is to be sought, we will do so on a specific and individual basis where appropriate. Employees will be given clear instructions on the desired processing activity, informed of the consequences of their consent and of their clear right to withdraw consent at any time.

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ACCESS TO DATA

As stated above, Data Subjects have a right to access the personal data that we hold on them. To exercise this right, employees and clients should make a Subject Access Request. We will comply with the request without delay, and within one month unless, in accordance with legislation, we decide that an extension is required. Those who make a request will be kept fully informed of any decision to extend the time limit.

No charge will be made for complying with a request unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request. In these circumstances, a reasonable charge will be applied.

Further information on making a subject access request is contained in our Subject Access Request policy.

DATA SECURITY

All our employees are aware that hard copy personal information should be kept in a locked filing cabinet, drawer, or safe.

Employees are aware of their roles and responsibilities when their role involves the processing of data. All employees are instructed to store files or written information of a confidential nature in a secure manner so that are only accessed by people who have a need and a right to access them and to ensure that screen locks are implemented on all PCs, laptops etc when unattended. No files or written information of a confidential nature are to be left where they can be read by unauthorised people.

Where data is computerised, it should be coded, encrypted or password protected both on a local hard drive and on a network drive that is regularly backed up. If a copy is kept on removable storage media, that media must itself be kept in a locked filing cabinet, drawer, or safe.

Employees must always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them.

Personal data relating to employees should not be kept or transported on laptops, USB sticks, or similar devices, unless prior authorisation has been received. Where personal data is recorded on any such device it should be protected by:

a) ensuring that data is recorded on such devices only where absolutely necessary.
b) using an encrypted system — a folder should be created to store the files that need extra protection and all files created or moved to this folder should be automatically encrypted.
c) ensuring that laptops or USB drives are not left where they can be stolen.

Failure to follow the Company's rules on data security may be dealt with via the Company's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

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DATA DISCLOSURES

The Company may be required to disclose certain data/information to any person. The circumstances leading to such disclosures include:

i) any employee benefits operated by third parties;
j) disabled individuals - whether any reasonable adjustments are required to assist them at work;
k) individuals' health data - to comply with health and safety or occupational health obligations towards the employee;
l) for Statutory Sick Pay purposes;
m) HR management and administration - to consider how an individual's health affects his or her ability to do their job;
n) the smooth operation of any employee insurance policies or pension plans;
o) to assist law enforcement or a relevant authority to prevent or detect crime or prosecute offenders or to assess or collect any tax or duty.

These kinds of disclosures will only be made when strictly necessary for the purpose.

Data Protection Awareness

In order to ensure organisational compliance, all staff and other key stakeholders will be made aware of their responsibilities under the data protection legislation as part of their induction programme. New employees must read and understand the policies on data protection as part of their induction.

All employees receive e-training covering basic information about confidentiality, data protection and the actions to take upon identifying a potential data breach.

Training is provided by:

https://hiscoxcyberacademy.unicornlms.com/admin/userscreationwizard

The nominated data controller/auditors/protection officers for the Company are trained appropriately in their roles under the GDPR.

All employees who need to use the computer system are trained to protect individuals' private data, to ensure data security, and to understand the consequences to them as individuals and the Company of any potential lapses and breaches of the Company's policies and procedures.
Regular data protection refresher training will take place to reinforce the importance of staff adhering to the legislation.
A record of the professional development undertaken by the individual will be retained on their training record.

Data Mapping

The school has documented all of the data that it collects within a 'Data Flow Map'. This data inventory records:

- the data is held
- what the data is used for

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- how it is collected
- how consent is obtained
- how the data is stored
- what the retention period is
- who can access the data
- who is accountable for the data
- how the data is shared
- how the data is destroyed

For each data type, the probability of a data breach occurring is assessed (very high, high, medium, low or very low) and actions to be taken to mitigate the risk are recorded.
It is the responsibility of the DPO to ensure the 'Data Flow Map' is kept up to date. The map should be a live document and updated regularly.

Consent
As a Company we will seek consent from staff, volunteers, young people, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. However, there are contractual, statutory and regulatory occasions when consent is not required.
Consent is defined by the DPA as, "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by clear affirmative action, signifies agreement to the processing of personal data relating to him or her".
We may seek consent from young people also, and this will be dependent on the child and the reason for processing.

Privacy Notices
In order to comply with the fair processing requirements of the DPA, the school will inform their staff and parents/carers of all pupils of the data they collect, process and hold on them, the purposes for which the data is held and the third parties (e.g. LA, DfE, etc) to whom their data may be passed, through the use of 'Privacy Notices'.

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Any privacy notices are available to staff and parents through the following means:

- Letter to parents
- Staff Handbook

The Use of Pupil Images

Occasionally, Clarity Independent School may take photographs of its pupils. These images could be used as part of internal displays, printed publications, the school website or our social media accounts.

The individual school will seek consent from all parents to allow the photography of pupils and the subsequent reproduction of these images. Consent will be sought on admission.

Parents are given the opportunity to opt in. It is not permissible to assume parents are opting in.

Generic consent for all uses of images is not acceptable; parents must give consent to each medium.

Parents must be given the opportunity to withdraw their consent at any time. This should be given in writing to the school, however a verbal withdrawal of consent is also valid and should be reported to the Head Teacher.

Consent should be recorded on the school Photograph Consent Form and filed in the pupil's individual admin folder.

If images of individual pupils are published, then the name of that child should not be used in the accompanying text or caption unless specific consent has been obtained from the parent prior to publication.

The 'Photograph Consent' form should be issued to current parents to seek consent annually.

Accurate Data

The school will endeavour to ensure that the data it stores is accurate and up to date.

When a pupil or member of staff joins the school, they will be asked to complete a form providing their personal contact information (e.g. name, address, phone number, NI number for staff), next of kin details, emergency contact and other essential information. At this point, the school will also seek consent to use the information provided for other internal purposes (such as promoting school events, photography).

The school will undertake an annual data collection exercise, where current staff and parents will be asked to check the data that is held about them is correct. This exercise will also provide individuals with the opportunity to review the consent they have given for the School to use the information held for internal purposes.

Parents/carers and staff are requested to inform the school when their personal information changes.

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Withdrawal of Consent

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent, the school will consider each situation on the merits and within the principles of the DPA, child welfare, protection and safeguarding principles.

Parents/carers and staff are requested to complete a Withdrawal of Consent form and return this to the Head Teacher.

Complaints

Complaints will be dealt with in accordance with the school's Complaints Procedure.

Data Breaches

Although the School takes measures against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data as set out in this policy and the supporting policies referred to, a data security breach could still happen. Examples of data breaches include:

- Loss or theft of data or equipment on which data is stored (e.g. losing an unencrypted USB stick, losing an unencrypted mobile phone).
- Inappropriate access controls allowing unauthorised use.
- Equipment failure.
- Human error (e.g. sending an email to the wrong recipient, information posted to the wrong address, dropping/leaving documents containing personal data in a public space).
- Unforeseen circumstances such as fire or flood.
- Hacking attack.
- 'Blagging' offences where information is obtained by deceiving the school.

REQUIREMENT TO NOTIFY BREACHES

All data breaches will be recorded on our Data Breach Register. Where legally required, we will report a breach to the Information Commissioner within 72 hours of discovery. In addition, where legally required, we will inform the individual whose data was subject to breach.

More information on breach notification is available in our Data Breach Notification policy.

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Privacy Impact Assessments
When considering the purchase of a new service or product that involves processing personal data, a Data Privacy Impact Assessment must be completed by the DPO. If risks are identified as part of the assessment then appropriate steps to mitigate this risk must be implemented. If these risks are deemed to be 'high risk' then the DPO should consult with the ICO prior to implementation.
The 'Data Privacy Impact Assessment' form must be used for each new service/product.

Records Management
The school recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations which will also contribute to the effective overall management of the school.
The School has a Record Management & Retention policy in place which sets out how it will:

- safely and securely store data (both digital and hard copy data)
- retain data
- dispose of data

Subject Access Requests
Any individual, person with parental responsibility or young person with sufficient capacity has the right to ask what data the school/academy holds about them, and can make a Subject Access Request (SAR).
The school has a Subject Access Request policy, which sets out the process that should be followed in the event of receiving a SAR.

Third Party Requests for Information
Occasionally the school may receive a request for information on a pupil or member of staff by a third party, such as the police or social services. This would be separate to statutory requests that come through from the DfE or LA, for example, which are covered within the privacy notices. Where we engage third parties to process data on our behalf, we will ensure, via a data processing agreement with the third party, that the third party takes such measures in order to maintain the Company's commitment to protecting data.

Use of Personal Devices
Only school owned devices should be used to store school data. Personal devices should not be used.

Overall responsibility for **Clarity Independent School** rests with the Head Teacher:

Debbie Hanson, Head Teacher

Signed:

Date:

Updated:

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