



Policy: <b>Data Protection Policy</b>	Last reviewed: <b>Summer 2018</b>
To be reviewed by the Curriculum Committee every 2 years.	B1

## Data Protection Policy

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## Data Protection Policy

### Section 1: Introduction

Durham Sixth Form Centre collects and uses personal information about staff, students, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and for other associated purposes. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all students/parents. This summarises the information held on students, why it is held and the other parties to whom it may be passed.

### Section 2: Aims, Objectives and Definitions

The aim of this policy is to provide a model set of guidelines to enable staff, parents and students to understand:

- The law regarding personal data
- How personal data should be processed, stored, archived and deleted/destroyed
- How staff, parents and students can access personal data.

The objective of this policy is to ensure personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

This policy meets the requirements of the GDPR and the expected provisions of the Data Protection Act 2018. It is based on guidance published by the Information Commissioner's Office (ICO).

#### Definitions:

Some key terms which may be referenced during this policy include:

Term	Definition
Personal Data	Any information relating to an identified, or identifiable, individual. This may include name, admission number, username etc.
Special categories of data	Personal data which is more sensitive and so needs more protection including; race or ethnic origin, political opinion, religious beliefs, Trade Union membership, health or sexual orientation.
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controlled, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

### Section 3: Data types

Not all data needs to be protected to the same standards; the more sensitive or potentially damaging the data is, the greater the risk of potential breach and the greater need for securing that data. Any loss or theft of any Personal Data is a "Potential Data Breach" which could result in legal action against the school. The loss of sensitive personal data is considered more seriously and sanctions may be more punitive.

#### 3.1 Personal Data

Personal information is information which relates to an identifiable living individual that is processed as data. Processing means collecting, using, disclosing, retaining, or disposing of information. The data protection principles apply to all information held electronically or in paper format that identifies an individual and provides specific information about them, their families or circumstances. This will include:

- Personal information about members of the school community, including students, members of staff, parents / guardians and carers e.g. names, dates of birth, addresses, contact details, medical information, disciplinary records.
- Curricular / academic data e.g. class lists, student progress records, reports, references, SEN assessments, examination results
- Professional records e.g. employment history, taxation and national insurance records, appraisal / staff development reviews, disciplinary records
- Any other information that might be disclosed by parents / carers or by other agencies working with families or staff members.

### 3.2 Special Category Data

Special category data is defined by the Act as information that relates to:

- Race and Ethnicity
- Political opinions
- Religious beliefs
- Membership of trade unions
- Physical or mental health
- Sexual life
- Criminal offences and criminal proceedings.

Sensitive personal data requires a greater degree of protection. Where it is important to share information i.e. medical information, written permission should be sought from the parents / carers / member of staff etc. prior to dissemination.

### 3.3 Other types of data not covered by the act

Data that does not identify a living individual is not covered by the remit of the Data Protection Act. This may include Lesson Plans (where no individual student is named), Teaching Resources and other school information which does not relate to an individual. Schools may choose to make some of this data publically available i.e. school calendar, but may wish to protect other data against their competitors although there is no legal requirement to do so.

## Section 4: Data Protection Principles

The Data Protection Act and GDPR sets out principles that DSFC must comply with.

The principles say that personal 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 of 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 GDPR creates some new rights for individuals and strengthens some existing ones. It provides the following rights:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

## Section 5: Scope

Durham Sixth Form Centre is required to collect and use certain types of personal information about the people with whom it deals in order to operate. These include current, past and prospective employees, students, suppliers, contractors and others employed under a contract of service. In addition, the school is required by law to collect and use certain types of information to comply with the requirements of government departments.

## Role and Responsibilities

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

#### **Governing board**

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

#### **Data protection officer**

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Katie O'Reilly and is contactable via [dpo@durhamsixthformcentre.org.uk](mailto:dpo@durhamsixthformcentre.org.uk)

#### **Head teacher**

The head teacher acts as the representative of the data controller on a day-to-day basis.

#### **All staff**

Staff 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, such as a change of address
- Contacting the DPO in the following circumstances:
  - 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, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
  - If there has been a data breach
  - 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

## **Section 6: Legal Requirements**

### **Registration**

The school must be registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

### **Information for Data Subjects: Privacy Notices**

In order to comply with the fair processing requirements of the DPA Durham Sixth Form Centre will inform parents/carers of all students and staff of the data they collect, process and hold on the students, the purposes for which the data is held, the legal basis for holding it and the third parties to whom it may be passed (e.g. LA, DfE etc.). The privacy notice will set out the data subjects' rights under GDPR and will be issued to all data subjects.

## **Section 7: Processing, storing, archiving and deleting personal data**

### **Information security - Storage and Access to Data**

The more sensitive the data the more robust the security measures will need to be in place to protect it.

### **Technical Requirements**

The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system.

Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods) and set to auto lock if not used for a specified period of time.

All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.

Personal data can only be stored on school equipment (this includes computers and portable storage media (where allowed)). Private equipment (i.e. owned by the users) must not be used for the storage of personal data.

The school has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems.

### **Portable Devices**

When personal data is stored on any portable computer system, USB stick or any other removable media:

- the data must be encrypted and password protected
- the device must be password protected (many memory sticks / cards and other mobile devices cannot be password protected)
- the data must be securely deleted from the device, in line with school policy (below) once it has been transferred or its use is complete

### **Passwords**

All users will use strong passwords which must be changed regularly. User passwords must never be shared.

### **Cloud Based Storage**

Durham Sixth Form Centre has clear policy and procedures for the use of “Cloud Based Storage Systems” and is aware that data held in remote and cloud storage is still required to be protected in line with the Data Protection Act. The school will ensure that it is satisfied with controls put in place by cloud based data services providers to protect the data.

### **Third Party data transfers**

As a Data Controller, the school is responsible for the security of any data passed to a “third party”. Data Protection clauses will be included in all contracts where data is likely to be passed to a third party as well as data processing agreements.

### **Retention of Data**

Durham Sixth Form Centre recognises the loss of or unauthorised access to personal information is likely to cause most harm to pupils, parents or staff and is most likely to result in the ICO taking action against the organisation. Individuals have a right to take action for compensation if loss of personal data causes them damage.

The Data Protection Act puts a responsibility on the organisation to maintain a focus on keeping personal information accurate and up to date. As part of the Data Protection Act, all users of personal information have a responsibility to ensure accurate and consistent records are maintained and stored securely and appropriately in line with the Act. Personal data that is no longer required will be destroyed and this process will be recorded.

### **Systems to protect data:**

#### **Paper Based Systems**

All paper based personal data will be protected by appropriate controls, for example:

Paper based safeguarding chronologies will be in a locked cupboard when not in use

Class Lists used for the purpose of marking may be stored in a teacher’s bag.

Paper based personal information sent to parents (will be checked by ..., before the envelope is sealed).

The school operates a clear desk policy where all classroom and offices have paperwork removed from desks at the end of each day, anything which contains special category data is locked in a secure area.

#### **School Websites**

Uploads to the school website will be checked prior to publication, for instance:

- to check that appropriate photographic consent has been obtained
- to check that the correct documents have been uploaded.

#### **E-mail**

E-mail cannot be regarded on its own as a secure means of transferring personal data.

Where technically possible all e-mail containing sensitive information will be encrypted by (... for instance ... by attaching the sensitive information as a word document and encrypting the document / compressing with 7 zip and encrypting. The recipient will then need to contact the school for access to a one-off password) or the use of Egress (Secure e-mail system) allows for secure communication.

#### **Updating**

Durham Sixth Form Centre has a defined process for regularly checking, updating and destroying old data.

#### **Retention Periods**

Different records have different retention periods. To comply with the first data protection principle Durham Sixth Form Centre has adopted the Records Management Toolkit for Schools as set out by the IRMS (information and Records Management Society) to ensure information is not held longer than needed by the school.

Example Retention periods:

- School and examination records for students are kept for 7 years after they leave the school, or until they reach the age of 25 (whichever is greater).
- Interview records, CV's and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Headteacher or School Governors will be kept for a least seven years.

### **Archiving**

All records of students and staff no longer in attendance at Durham Sixth Form Centre will be retained in accordance with the Records Management Toolkit for Schools under lockable conditions.

### **Destruction of Records**

All personal information files are shredded either within the organisation or collected in Security Bags stored in lockable conditions and shredded by a reputable provider of security shredding and confidential data destruction services meeting the requirements of national and international standards authorities.

All electronic records will be data cleansed annually. Electronic memories will be scrubbed clean or destroyed to ensure that the data is disposed of in a way that creates little risk of any unauthorised third party using it to the data subject's detriment.

### **Sharing Personal Data**

Personal data and school records in respect of students are confidential to the student. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the student. The law permits such information to be shared with other educational establishments when students change schools. Data on staff is sensitive information and confidential to the individual, and is shared, where appropriate, at the discretion of the Headteacher and with the knowledge, and if possible the agreement of the staff member concerned.

Where special category data is shared, it is transmitted securely via secure email or is transferred in tamper proof envelopes securely delivered to the recipient.

### **Data Breach**

In the event that personal data is lost, stolen or compromised, Durham Sixth Form Centre will carry out an investigation to determine if an actual breach has occurred. Durham Sixth Form Centre will follow the procedures as laid out by Durham County Council in the document 'Data Protection Policy, Potential Breach Procedure, Appendix 7.

## **Section 8: Accessing personal data**

### **Subject Access Request (SAR)**

Individuals have the right to access the personal data you hold about them, why you hold it and who you disclose it to. Individuals have a right to be given a copy of the personal data and given details of the source of the data (where this is available). The data includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision making is being applied to their data, and what the significance and consequences of this might be for the individual.

Subject access requests should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested.

A student can request access to or a copy of the data held by the school. The request must be made in writing. Students at Durham Sixth Form Centre are considered mature enough to understand their rights under the Data Protection Act and any application from a parent will be discussed with the student first. Upon receipt of the request, the school will respond to you within 15 days.

Staff employed at Durham Sixth Form Centre can request access to their own records in writing. There will be no charge for access or for any copies of records.

### **Section 9: Complaints**

Complaints will be dealt with in accordance with the school's Complaints Policy. Complaints relating to information handling may be referred to the Information Commissioner.

Further advice and information is available from the Information Commissioner's Office [www.ico.gov.uk](http://www.ico.gov.uk)