

# Data Protection Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation



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Policy Author	Daniel Owen / Lisa Ashton
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## **Introduction**

The schools collect and use personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the schools comply with their 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 then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents, which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

In addition to the information detailed below, the schools regularly review and maintain the following to ensure compliance with the General Data Protection Regulations 2018 (GDPR): an information asset register, a compliance plan, retention policy, data sharing agreements, training records, staff data audits, impact assessments and privacy notices.

## **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, GDPR, 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.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

## **What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

## **Data Protection Principles**

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;

8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

## **General Statement**

The schools are committed to maintaining the above principles at all times. Therefore, the schools will:

- Inform individuals why the information is being collected when it is collected;
- Inform individuals when their information is shared, and why and with whom it was shared;
- Check the quality and the accuracy of the information it holds;
- Ensure that information is not retained for longer than is necessary;
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely;
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- Share information with others only when it is legally appropriate to do so;
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests;
- Ensure that our staff are aware of and understand our policies and procedures.

## **Information Security incidents**

Any information security incident that may impact upon the confidentiality, integrity or availability of personal data held by the school must be reported immediately to the DPO.

This may include:

- the loss of records, laptops or media containing personal data;
- unauthorised access to information systems containing personal data;
- access to personal data with no identified business need;
- personal data being misdirected to the incorrect recipient;
- loss of access to systems containing personal data.

All reported incidents will be recorded to ensure an investigation is undertaken and appropriate mitigation measures are in place and to identify improvements or lessons learnt.

The DPO in liaison with the school(s) will consider, where the incident is of sufficient severity or poses a risk to the individual, whether to report the incident to the Information Commissioners Office (ICO). Where the DPO determines that an incident constitutes a reportable data breach, then they will report the incident to the ICO and liaise as appropriate.

If the data breach constitutes a high risk to the data subject then the schools will also notify the data subject.

## **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 (the statutory regulator).

## **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every two years. The policy review will be undertaken by the Headteachers, or their nominated representative.

## **Contacts**

If you have any enquires in relation to this policy, please contact Mrs Lisa Ashton, ActingHeadteacher of Llanidloes Primary School, or Mr Daniel Owen, Headteacher of Llanidloes High School, who will also act as the contact points for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 or 029 2044 8044 for the Wales Regional Office.

## Appendix 1

### Procedures for responding to subject access requests made under the Data Protection Act 1998

#### *Rights of access to information*

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (Wales) Regulations 2011.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### *Actioning a subject access request*

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs Lisa Ashton (Primary School) or Mr Daniel Owen (Secondary School). If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement

*This list is not exhaustive.*
3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.
4. The school may make a charge for the provision of information, dependant upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependant upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.

- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.
5. The response time for subject access requests, once officially received, is one calendar month (**not working or school days but calendar days, irrespective of school holiday periods**). However, the calendar month will not commence until after receipt of fees or clarification of information sought.
  6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure**.
  7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the one calendar month statutory timescale.
  8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
  9. If there are concerns over the disclosure of information then additional advice should be sought.
  10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
  11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
  12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered or recorded mail must be used.
  13. Schools are required to monitor the number of requests received and the timescales involved.

### **Complaints**

Complaints about the above procedures should be made to the Chair of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies or procedures then please contact Mrs Lisa Ashton, Headteacher of Llanidloes Primary School, or Mr Daniel Owen, Headteacher of Llanidloes High School.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 or the Wales Regional Office on 029 2044 8044.

## Appendix 2

### Llanidloes Schools Federation Privacy Notice (staff workforce information)

In accordance with General Data Protection Regulation (GDPR) which came into force on 25 May 2018, this notice sets out what Llanidloes Schools' Federation does with the information which we hold on staff. In addition, all staff receive a copy of the school's:

- **Information asset register.** This document details data processed by the school, explains how it is used, the lawful basis for processing each type of data and a wide range of other related information that may be of interest to staff;
- **Retention schedule.** This details how long we hold each type of data and the associated justification;
- **GDPR compliance plan.** This details precisely how we are planning to improve our data protection practices in the future. All documentation is 'live' in the sense that needs to be regularly updated and improved. This is something you can help us with by identifying areas of our work that can be strengthened.

### What type of information do we hold?

Personal and special category information that will be collected and held includes:

- Personal information (such as name, teacher or employee number, national insurance number and address);
- Next of kin information;
- Special categories of data including characteristics information such as gender, age, ethnic group;
- Contract information (such as start dates, hours worked, post, roles and salary information);
- Work absence information (such as number of absences and reasons);
- Qualifications (and, where relevant, subjects taught);
- Professional development information (such as courses attended, performance management information, lesson observation and pupil work review information);
- Relevant medical information (such as an allergy);
- Recruitment information (such as CV, references, application forms and covering letters);
- Disciplinary records;
- Correspondence (such as letters you have sent to us and emails);
- Biometric data subject to your consent;
- Photographs and video footage.

### Why are we collecting and using this information?

We use the staff workforce information:

- to enable deployment of the workforce effectively;

- to know who to contact in the event of an emergency;
- to inform the development of recruitment and retention;
- to support staff health;
- to secure accountability;
- to enable individuals to be paid;
- to assess the quality of our services;
- to comply with contractual or statutory data sharing schemes;
- to provide access to the LA approved supplier of cashless catering;
- to promote and celebrate the success of the school (for example, by using photographs and videos on the school website and social media).

### **What lawful basis are we using to collect, use and store this information?**

We collect and use staff workforce information under the following provisions:

#### ***Legal obligations – Article 6(1)(c) of GDPR***

- Education Act 1996, Education Act 2002, Education Act 2005 and Education and Inspections Act 2006, Education (Wales) Measure 2009, Education (Wales) Measure 2011, Education (Wales) Act 2014
- Employment Rights Act 1996
- Safeguarding Vulnerable Groups Act 2006 and Protection of Freedoms Act 2012
- Additional Learning Needs and Education Tribunal (Wales) Act 2018
- Any associated regulations, orders or guidance issued under the above Acts

We also use consent (Article 6(1)(a) of GDPR), contractual requirements (Article 6(1)(b) of GDPR) and performance of a task carried out in the public interest (Article 6(1)(e) of GDPR). In relation to special category data we use explicit consent (Article 9(2)(a) of GDPR).

### **Collecting this information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

### **How long do we keep this information?**

We hold staff data for the required statutory period or for the length of time that seems proportionate and reasonable. Please see our current records retention schedule for further detail.

### **Who do we share your information with?**

Information held by Llanidloes Schools Federation about its staff, may be shared upon request and where the law allows, with organisations listed below and those specified in Regulations made under Section 537A of the Education Act 1996.

Persons or organisations that we may share your personal information with:

- our local authority (Powys County Council)
- Welsh Government and Welsh Ministers
- Education Workforce Council (EWC)
- the Department of Education (DfE) or HM Government
- Our LA approved supplier of cashless catering system
- Microsoft UK and Google
- The Office of National Statistics
- Any relevant body constituted or specified by the Statistics and Registration Service Act 2007
- The Office of Her Majesty's Inspectorate of Education and Training in Wales (Estyn)
- Her Majesty's Revenue and Customs (HMRC)
- Law enforcement, judicial bodies and courts
- Press and the media
- Other schools (such as when you apply for a post elsewhere and a reference is requested of us)
- World wide web (such as when you are present in school photographs and videos that are used on the school website and social media, but only when you have provided consent. You are free to withdraw consent at any time)
- External organisations responsible for analysing performance data (such as ALPs)
- Where necessary, companies providing equipment you use (such as Papercut)
- Education consultants if you are receiving training or support (such as OSIRIS)

### **Why we share staff information**

We do not share information about our staff with anyone without consent unless the law requires us to, or we are carrying out a public task in the public interest. We are required to share information about our staff with our local authority (LA) and the Welsh Government (WG) under regulation 4 of The Education (Supply of Information about the School Workforce) (Wales) Regulations 2017. We are required to share information about relevant staff with the Education Workforce Council under Section 36 of the Education (Wales) Act 2014.

### **Your rights under GDPR**

You have the right to:

- Be informed about what personal data we are processing;
- Have access to the personal data that the school is processing about you;
- Require Llanidloes High School or Llanidloes Primary School to rectify inaccuracies in that data;
- The right (in some circumstances) to object to processing on grounds relating to your particular situation;
- The right to restrict processing (in some circumstances);

- Lodge a complaint with the Information Commissioner who is the independent regulator for data protection.

For further information about the information which we hold and its use, or if you wish to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer: Data Protection Officer  
Llanidloes High School or Llanidloes Primary School  
Llanidloes  
Powys  
SY18 6EX

Email Address: office@llanidloes-hs.powys.sch.uk  
office@llanidloes.powys.sch.uk

To contact the Information Commissioner's Office, please see details below:

Information Commissioner's Office: Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Website: [www.ico.org.uk](http://www.ico.org.uk)