



Learning together to be the best that we can be

Powerstock CE VA School

Data Protection Policy

Date approved:	June 2022
Date reviewed:	28 March 2023
Date revised:	June 2024
Review cycle / date:	Annually
Responsibility:	Data Protection Officer/FGB

Introduction

Powerstock CE VA Primary School is committed to a policy of protecting the rights and privacy of pupils, parents, carers, relatives, staff, volunteers and other data subjects whose data is stored and/or processed by the school.

Principles

As required by the General Data Protection Regulations (GDPR), Powerstock School will register with the Information Commissioner's Office (ICO) and will be responsible for, and will be able to demonstrate, compliance with the 6 principles of GDPR that data shall be:

- processed lawfully, fairly and in a transparent manner
- collected for specified, explicit and legitimate purposes
- adequate, relevant and limited to what is necessary
- accurate and kept up to date
- kept no longer than is necessary
- processed securely

Lawful basis

As a public authority, the overwhelming majority of all of the school's collection and use of pupil information is under Article 6(1)(e) of the General Data Protection Regulations. The Article is commonly referred to as the 'Public Task' lawful basis and can be applied when "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller".

Whilst the majority of personal information provided to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. An example of this would include photographs of children that we might use on our website or in other communications (such as social media or press stories). Every year, we will ask all parents to provide us with your permission / consent to use pupil information for such purposes.

Reasons / purposes for processing information

The school processes personal information to enable it to:

- provide education, welfare and educational support services to our children
- support and manage our employees and volunteers
- maintain our own accounts and records
- administer school property
- meet all our statutory, legal and contractual obligations
- carry out fundraising activities

Data sharing and data retention

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

The school routinely shares pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- the Department for Education (DfE)

Where necessary, we will share information with:

- family, associates and representatives of the person whose personal data is being processed
- educators and examining bodies
- current, past or prospective employers
- healthcare professionals
- social and welfare organisations
- police forces
- courts and tribunals
- security organisations
- suppliers (including professional advisers)
- voluntary and charitable bodies
- press and the media
- financial organisations

The school will not share data directly or indirectly with marketing or market research organisations other than those that may be required by central government or the local education authority.

The school will hold data for no longer than is necessary. The school may, in the public interest, continue to hold some data for archival, statistical and/or research purposes. The school's personal data retention schedule is attached as Annex 1.

Processing of special category and criminal offence data

The school recognises its legal obligations when processing sensitive data. It will therefore only collect, store and process such data when it is necessary for the purposes of carrying out its obligations and exercising specific rights in the field of employment, social security and social protection law including the school's duty to safeguard children and vulnerable adults.

Rights of data subjects to be informed

The school will publish a number of documents on the school website. These will include this Data Protection Policy, our school Privacy Notice (PN) and our Publication Scheme. In addition, staff and volunteers will be provided with a specific Privacy Notice which will also be available for the website.

Other data subject rights

Powerstock School recognises an individual's right to request access to their own data and in certain circumstances to seek: rectification, erasure, processing restrictions, data porting as well as the right to object. The School will, after confirming the identity of the individual, seek to handle such requests within a reasonable period of time, which will be no longer than a month unless the request is particularly onerous. The School may refuse a request if it is unfounded, repetitious or vexatious; in such a case the School will advise the individual of their right to register a complaint with the ICO. The School will not levy a charge to process an individual's request except in those cases where the request is manifestly unfounded, excessive and/or repetitious, in which case a reasonable charge will be levied that takes account of the administrative costs.

An individual's right to access is not unlimited. A derogation applies to the release of data collected as part of the school's official duty to safeguard children and vulnerable adults. Individuals do not have the right to access data that might adversely affect the rights and freedom of others, or to access data which might have an adverse impact on the welfare or emotional health of others.

The School will seek to rectify incorrect data as soon as possible. However, an individual's right to rectification does not apply to information which is recorded as an opinion, as may be the case in student assessments and staff appraisals. An individual's right to erasure and to restrict processing does not apply if processing is covered by the legitimate and lawful purpose of "public task". When a student moves to another state-funded school data will be transferred automatically using the approved data transfer system; for all other "data porting" requests the school will use its reasonable endeavours to make that data, which was provided by the data subject, available to the new data controller in a suitable format.

Individuals have grounds to object to the publication of their visual image and their data being used for direct marketing purposes, for example on the school website. The school will be proactive in seeking consent from parents on an annual basis for such processing / use, but relevant parties will continue to have the right at any time to object to the inclusion of their image, or that of their child.

The use of images for the legitimate purposes including teaching and learning is unlikely to be sufficient ground for an objection. On receiving objections, the school will use all reasonable endeavours to temporarily cease processing such data unless they can demonstrate compelling legitimate grounds for not doing so. Any temporary cessation will continue until the School's investigation is complete. If the objection is upheld, then the temporary cessation becomes permanent otherwise processing can re-commence.

International data transfers

The School does not foresee any circumstance when it might transfer personal data outside the EEA. In the event that this might occur, the school will only transfer that data to those countries or international organisations which are deemed by the ICO to provide adequate levels of protection.

Contracts with third party data processors

The school uses a number of software systems to enter, manage and control data which are already in widespread use in schools throughout Dorset and across the country. In circumstances where the school uses a third party to process data on its behalf it will enter into a contract with the processor. The contract will set out the subject matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subject, and obligations and rights of the controller. The contract will contain the following clauses requiring the processor to:

- only act on the written instructions of the school
- ensure that people processing the data are subject to a duty of confidence
- take appropriate measures to ensure the security of processing;
- only engage sub-processors with the prior consent of the controller;
- assist the school in allowing data subjects to exercise their rights under GDPR;
- assist the school in meeting its obligations in relation to the security of processing, the notification of personal data breaches and data protection impact assessments;
- delete or return all personal data to the school as requested at the end of the contract;
- submit to audits and inspections;
- provide the school with whatever information it needs to ensure that they are both meeting their Article 28 obligations;
- tell the school immediately if it is asked to do something infringing the GDPR or other data protection law of the EU or a member state;
- undertake processing within the EEA unless they are an international organisation that has been accredited by the ICO or the processing will be undertaken in a country that has been approved by the ICO.

Data protection by design

The school will ensure that privacy and data protection is a key consideration when:

- building new systems for storing or accessing personal data
- developing policies or strategies that have privacy implications
- embarking on a data sharing initiative
- using data for new purposes

Data Protection Impact Analysis (DPIA)

The school will undertake a DPIA before it begins any type of new processing which is “likely to result in a high risk”. That is where there is a potential for a widespread or serious impact on individuals.

Responsibilities

The policy applies to all Governors, staff and volunteers of Powerstock School. Staff are responsible for compliance with the GDPR, any breach is considered to be a breach of contract and may result in disciplinary procedures. Senior leaders will promote a positive culture of compliance, providing appropriate training as and when required. The Governors will appoint a Data Protection Officer (DPO) as and when required. They will ensure the person so appointed does not perform any other function within the school that leads him or her to determine the purposes and the means of the processing of personal data.

Data Protection Officer (DPO)

The DPO will:

- inform and advise the Governors and employees about their obligations to comply with the GDPR;
- monitor compliance with the GDPR, and with the data protection and security policies, including managing internal data protection activities; raising awareness of data protection issues, training staff and conducting internal audits;
- advise on and monitor DPIAs;
- cooperate with the ICO and be the first point of contact for the ICO and for individuals whose data is processed;
- report data breaches.

Responsibilities

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. When a personal data breach has occurred, the DPO will establish the likelihood and severity of the resulting risk to people’s rights and freedoms. If it’s likely that there will be a risk, then the DPO will notify the ICO within 72 hours. If the breach is likely to result in a high risk of adversely affecting individuals’ rights and freedoms, the DPO will also inform those individuals without undue delay.

Requesting access to your personal data

Under data protection legislation, parents and staff have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child’s educational record, contact:

David Jones, Chair of Governors and Data Protection Officer, via the School

Office at: Tel: 01308 485380

Email: office@powerstock.dorset.sch.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress, subject to limitations outlined in this policy
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact:

David Jones, Chair of Governors and Data Protection Officer, via the School

Office at: Tel: 01308 485380

Email: office@powerstock.dorset.sch.uk

Annex 1: Personal Data Retention Schedule

Powerstock School seeks to hold personal data for no longer than is reasonable. It is required by law to retain certain information for minimum periods of time, and in some cases is required to transfer those records to other organisations who then assume responsibility for them. The School may, in the public interest, continue to hold some data for archival, statistical and/or research purposes or when necessary retain data for the purpose of the establishment, exercise or defence of legal claims.

The School endeavours to follow the guidelines on retention schedules recommended in the [IRMS Information Management Toolkit for Schools](#), version 5 published in February 2016. The toolkit can be accessed by clicking on the hyperlink, and a very high level summary of retention schedules for key documents is shown in the table below.

TYPE OF RECORD	RETENTION PERIOD
Legal records	Indefinite
Finance records	Current financial year plus a further 6 years
Personnel records Except <ul style="list-style-type: none">Salary records and work-related injuriesInterview related records of unsuccessful applicantsDisciplinary records	Date last employed plus a further 6 years Indefinite Date of interview plus 6 months In accordance with prevailing school policies
Pupil records Except <ul style="list-style-type: none">SEND related records	All pupil records are transferred to the next school they attend after leaving Powerstock School. Otherwise, statutory retention time is date of birth plus 25 years See above – otherwise date of birth plus 35 years
Complaint records	Date of resolution plus a further 6 years