



Lincoln Christ's Hospital School

Data Protection Policy incorporating the General Data Protection Regulation (GDPR)

SLT Link member of staff: Glen Thompson

Date presented to Governors: June 2018

Review Date: June 2020

LINCOLN CHRIST'S HOSPITAL SCHOOL

Data Protection Policy incorporating the General Data Protection Regulation (GDPR)

February 2018 update

The Governing Body of the school has overall responsibility for ensuring that records are maintained, including security and access arrangements, in accordance with Education Regulations and all other statutory provisions.

The Headteacher and Governors of this school intend to comply fully with the requirements and principles of the GDPR and the Data Protection Act 1998. All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities within these guidelines.

Enquiries

Information about the school's GDPR Policy is available from the Headteacher. General information about the GDPR and the Data Protection Act can be obtained from the Data Protection Commissioner (information line 01625 545 745, website www.dataprotection.gov.uk).

Fair Obtaining and Processing

Lincoln Christ's Hospital School undertakes to obtain and process data fairly and lawfully by informing all data subjects of the reasons for data collection, the purposes for which the data are held, the likely recipients of the data and the data subjects' rights of access. Information about the use of personal data is printed on the appropriate collection form. If details are given verbally, the person collecting will explain the issues before obtaining the information.

"Processing" means obtaining, recording or holding the information or data or carrying out any or a set of operations on the information or data.

"Data subject" means data, which relates to a living individual who can be identified.

Addresses and telephone numbers are particularly vulnerable to abuse, but so can names and photographs be, if published in the press, internet or media.

"Parent" has the meaning given in the Education Act 1996, and includes any person having parental responsibility or care of a child.

Registered purposes

The Data Protection Registration entries for the school are available for inspection, by appointment, at the school. Explanation of any codes and categories entered is available from the Headteacher who is the person nominated to deal with data protection issues in the school, in his role as the data controller. Registered purposes covering the data held at the LCHS Data Protection Policy

school are listed on the School's Privacy Notices. At the centre of the GDPR are the 6 pillars of data processing. The school must write and publish privacy notices for both staff and pupils which explain in detail the content of the below principles. The privacy notices are included at annex A and B to this policy. The school must ensure that all its data is processed with the following principles in mind.

Lawfulness, fairness and transparency

The school must decide what personal data is to be used, what purpose for, if it is to be shared and who with. How long it will be used for. The school must inform data subjects of their data rights and how to exercise them.

Purpose limitation

Once a published privacy statement is in place, detailing what data is to be used and why, the school cannot use that data for any other purpose, without first informing the data subjects of the new change.

Data minimisation

The school will only collect the minimum data required to enable it to meet its stated aims and to comply with any legal obligations

Accuracy

Data held will be as accurate and up to date as is reasonably possible. If a data subject informs the school of a change of circumstances his/her computer record will be updated as soon as is practicable. A printout of the data record will be provided to data subjects every twelve months or sooner so that accuracy can be checked and any amendments made. Where a data subject challenges the accuracy of the data, the school will immediately mark the record as potentially inaccurate, or 'challenged'. In the case of any dispute, we shall try to resolve the issue informally, but if this proves impossible, disputes will be referred to the Governing Body for their judgement. If the problem cannot be resolved at this stage, either side may seek independent arbitration. Until resolved, the 'challenged' marker will remain and all disclosures of the affected information will contain both versions of the information.

Storage limitation

Data held about individuals will not be kept for longer than necessary for the purposes registered, and the length of time will be determined by the Records Management Society of Great Britain Local Government Group Retention Guidelines for Schools (as amended). It is the duty of the data protection nominated officer to ensure that obsolete data is properly erased. Data may not be stored or used on personal electronic equipment or removed from the school site without the express permission of the Headteacher or Chair of Governors.

Integrity & confidentiality

The school undertakes to ensure our data integrity by implementing security access restrictions. Thus, we ensure that only authorised personnel get access to data they require to perform a given function using current and up to date antivirus software and using current and up to date data backup methods. We will also ensure that sensitive documents are kept in a safe and secure manner. The school will also conduct training of its staff on the GDPR.

Subject access

The GDPR extends to all data subjects a right of access to their own personal data. In order to ensure that people receive only information about themselves it is essential that a formal system of requests is in place. Where a request for subject access is received from a pupil, the school's policy is that:

- Requests from pupils will be processed, as any subject access request, as outlined below and the copy will be given directly to the pupil, unless it is clear that the pupil does not understand the nature of the request;
- Requests from pupils who do not appear to understand the nature of the request will be referred to their parents or carers;
- Requests from parents in respect of their own child will be processed as requests made on behalf of the data subject (the child) and the copy will be sent in a sealed envelope to the requesting parent;
- Care must be taken to redact information so that only data relating to the subject is included;
- The complete information less what is redacted must be passed to the subject within 30 days of the request.

Processing subject access requests

Requests for access must be made in writing.

Pupils, parents or staff may ask for a Data Subject Access form, available from the school office. Completed forms should be submitted to the Headteacher. Provided that there is sufficient information to process the request, an entry will be made in the Data Protection Access Log book, showing the date of receipt, the data subject's name, the name and address of requester (if different), the type of data required (e.g. student record, personnel record), and the planned date of supplying the information (not more than 30 days from the request date). Should more information be required to establish either the identity of the data subject (or agent) or the type of data requested, the date of entry in the log will be the date on which sufficient information has been provided.

Note: in the case of any written request from parents regarding their own child's records, access to the records will be provided within 30 days in accordance with the current GDPR.

Authorised disclosures

The school will, in general, only disclose data about individuals with their consent. However, there are circumstances under which the school's authorised officer may need to disclose data without explicit consent for that occasion.

These circumstances are strictly limited to:

- Pupil data disclosed to authorised recipients related to education and administration necessary for the school to perform its statutory duties and obligations;
- Pupil data disclosed to authorised recipients in respect of their child's health, safety and welfare;
- Pupil data disclosed to parents in respect of their child's progress, achievements, attendance, attitude or general demeanour within or in the vicinity of the School;
- Staff data disclosed to relevant authorities e.g. in respect of payroll and administrative matters;
- Unavoidable disclosures, for example to an engineer during maintenance of the computer system. In such circumstances the engineer would be required to sign a form promising not to disclose the data outside the school. Officers and IT personnel writing on behalf of the LEA are contractually bound not to disclose personal data. Confidentiality form must be completed by outside contractors;
- Only authorised and trained staff are allowed to make external disclosures of personal data. Data used within the school by administrative staff, teachers and welfare officers will only be made available where the person requesting the information is a professional legitimately working within the school who **needs to know** the information in order to do the work. The school will not disclose anything on pupils' records which would reasonably be likely to cause serious harm to their physical or mental health or that of anyone else – including anything which suggests that they are, or have been, either the subject of or at risk of child abuse.

A “**legal disclosure**” is the release of personal information from the computer to someone who requires the information to do his/her job within or for the school, provided that the purpose of that information has been registered.

An “**illegal disclosure**” is the release of information to someone who does not need it, or has no right to it, or one which falls outside the school's registered purposes.

Data and computer security

Lincoln Christ's Hospital School undertakes to ensure security of personal data by the following general methods (precise details cannot, of course, be revealed).

Physical security

Appropriate building security measures are in place, such as alarms, window bars, deadlocks and computer hardware cable locks. Only authorised persons are allowed in the server room. Disks, tapes and printouts are locked away securely when not in use. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

Logical security

Security software is installed on all computers containing personal data. Only authorised users are allowed access to the computer files and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.

Procedural security

In order to be given authorised access to the computer, staff will have to undergo checks and will sign a confidentiality agreement. All staff who are involved in the possible disclosure of information are trained in their data protection obligations and their knowledge updated as necessary. Computer printouts as well as source documents are shredded before disposal.

Any queries or concerns about security data in the school should in the first instance be referred to the Headteacher.

Individual members of staff can be personally liable in law under the terms of the GDPR and Data Protection Acts. They may also be subject to claims for damages from persons who believe that they have been harmed as a result of inaccuracy, unauthorised use or disclosure of their data. A deliberate breach of this Data Protection Policy will be treated as a disciplinary matter, and serious breaches could lead to dismissal.

Access to personal data request

Data Protection Act 1998 Section 7

Enquirer's Surname :

Enquirer's Forenames:

Enquirer's Address:

.....

Enquirer's Postcode:

Telephone Number:

Are you the person who is the subject of the records you are enquiring about YES/NO (i.e. the "Data Subject")?

If NO,

Do you have parental responsibility for a child who is the "Data Subject" of the records you are enquiring about? YES/NO

If YES,

Name of child or children about whose personal data records you are enquiring

.....
.....
.....
.....
.....
.....

Description of Concern/Area of Concern

Description of information or topic(s) requested (in your own words)

Additional information

Please despatch reply to: *(if different from enquirer's details as stated on this form)*

Name:

Address:

Postcode:

Data subject declaration

I request that the school searches its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 and provides a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the school.

I agree that the reply period will commence when I have supplied sufficient information to enable the school to perform the search.

I consent to the reply being disclosed and sent to me at my stated address (or authorise it to go to the despatch name and address above).

Signature of "Data Subject" (or Subject's Parent)

Name of "Data Subject" (or Subject's Parent)

(PRINTED)

Dated

Privacy Notice to Students and Parents

How information about pupils is used in an educational setting at Lincoln Christ's Hospital School (LCHS)

Overview

This notice is to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions that you can make about your own information. If you have any questions, please contact the data protection officer at LCHS.

What is personal information?

Personal information is information that relates to you and identifies you as an individual. This includes your contact details, next of kin and financial information. We may also hold information such as your religion or ethnic group. CCTV footage, photos and video recordings are also personal information.

Why do we collect and use pupil information?

We collect and use pupil information under the submission of the school census returns, including named pupil records. This is a statutory requirement for schools under [Section 537A of the Education Act 1996](#).

Putting the school census on a statutory basis:

- means that schools do not need to obtain parental or pupil consent to the provision of information;
- ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils;
- helps to ensure that returns are completed by schools.

We use the pupil data:

- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing.

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, gender, date of birth, unique pupil number and home address);
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility);
- Attendance information (such as sessions attended, number of absences and absence reasons);
- Assessment information (such as EYFSP, KS1, KS2, and predicted grades);
- Relevant medical information;
- Biometric data.

Collecting pupil information

Whilst the majority of pupil information you provide us with 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.

Storing pupil data

We hold pupil data for 25 years from the date of birth of the pupil.

Who do we share pupil information with?

We routinely share pupil information with:

- schools that the pupils attend after leaving us;
- our local authority;
- the Department for Education (DfE);
- The LA, under strict information sharing protocols and policies, may be required to share this information with other public sector partners such as other Local Authorities or local children centre;
- Capita Sims;
- SAM Learning;
- Cunninghams Cashless Catering;
- PC Coaches Of Lincoln;
- Parent Mail.

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications.

Why we share pupil information

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 the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

We share information with Capita Sims in as much as this is the Management Information System (MIS) used by the School.

We share information on a very limited basis with SAM Learning in order to create learner accounts.

We share information with Cunninghams Cashless Catering in as much as that is the provider of our cashless catering system.

We share information with PC Coaches to allow them to know who and where to collect pupils.

We share Information with Parentmail in order to allow us to communicate with parents electronically.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Youth support services

What is different about pupils aged 13+?

Once our pupils reach the age of 13, we also pass pupil information to our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services;
- careers advisers.

Parents/carers can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the pupil once he/she reaches the age of 16.

Our pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and/or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers;
- youth support services;
- careers advisers.

For more information about services for young people, please visit our local authority website.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required, by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose

of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis;
- producing statistics;
- providing information, advice or guidance.

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested;
- the arrangements in place to store and handle the data.

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information (and for which project) please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils 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 the Data Protection Officer at LCHS.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- 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;
- 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, you

LCHS Data Protection Policy

should raise your concern with us in the first instance or directly to 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 the Data Protection Officer at LCHS.

Privacy Notice (How we use Staff information)

Information for staff on how information is used in an educational setting at Lincoln Christ's Hospital School (LCHS).

Introduction

This notice is to help you understand how and why we collect personal information about you and what we do with that information. It also explains the decisions that you can make about your own information. If you have any questions about this notice, please contact the data protection officer at LCHS.

What is personal information?

Personal information is information that identifies you as an individual and relates to you. This includes your contact details, next of kin and financial information. We may also hold information such as your religion or ethnic group. CCTV, photos and video recordings of you are also personal information.

The categories of school workforce information that we collect, process, hold and share include:

- personal information such as name, employee or teacher number, national insurance number and home address;
- 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;
- DBS clearance;
- Next of kin details;
- Biometric data.

Why we collect and use this information

We use school workforce data to:

- enable the development of a comprehensive picture of the workforce and how it is deployed;
- inform the development of recruitment and retention policies;
- enable individuals to be paid;
- meet our legal obligations in regard to tax legislation;
- meet our legal obligations in regard to safeguarding.

The lawful basis on which we process this information

For DFE Departmental Censuses, the Education Act 1996 – this information can be found in the guide documents at <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

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.

Storing this information

We hold school workforce data for the term of employment + 6years.

Who we share this information with

We routinely share this information with:

- our local authority;
- the Department for Education (DfE);
- Capita SIMs;
- Cunninghams Cashless Catering;
- Seating Planner.

Why we share school workforce information

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

Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding/expenditure and the assessment educational attainment.

We are required to share information about our pupils with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Capita SIMS

We share Information with Capita Sims in as much as this is the Management Information System (MIS) used by the School.

Cunninghams Cashless catering

We share information with Cunninghams Cashless catering in as much as that is the provider of our cashless catering system.

Seating Planner

We share limited data with Seating Planner to allow staff to use the software.

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools

(including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis;
- producing statistics;
- providing information, advice or guidance.

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data;
- the purpose for which it is required;
- the level and sensitivity of data requested;
- the arrangements in place to securely store and handle the data.

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact, the data protection officer at LCHS.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress;
- 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;
- 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 ask 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/>

Further information

If you would like to discuss anything in this privacy notice, please contact the data protection officer at LCHS.