

*Tomlinscote School  
&  
Sixth Form College*

*A Specialist Language College*



# Data Protection Policy

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<b>Approved By:</b>	Resources Committee
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## 1. Scope

The School collects a large amount of personal data every year including: student and staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the School. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

The School has a legal responsibility to ensure that personal data is processed in a manner that protects the privacy of data subjects and in accordance with legal frameworks and best practice.

Two key documents underpin this policy:

- *Data Protection Act 1998 (DPA)*
- *General Data Protection Regulation 2018 (GDPR)*

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the documents above. It will apply to information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

## 2. Definitions

Several key terms are defined by the GDPR, these are outlined below.

### a) 'data'

This term refers to any information processed by, or on behalf of, a data controller or data processor (see 2c & 2d). Data can take the form of paper copy or digital file, and can appear in various types. Examples of types of data include (but are not limited to):

<i>Collection method</i>	<i>Data type</i>
• Job application form	Paper copy
• Student attendance record	Database
• CCTV footage	Images written to disk
• Minutes from a meeting	File stored on disk

### b) 'processing'

means 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;

### c) 'data processor'

means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;

### d) 'data controller'

means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union or Member State law, the controller or the specific criteria for its nomination may be provided for by Union or Member State law;

Herein 'the School' refers to Tomlinscote School and its role as a data controller;

### e) 'data subject'

an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;

f) 'personal data'

means any information relating to an identified or identifiable natural person (the 'data subject')

g) 'consent'

means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her;

### 3. Principles

In accordance with GDPR, the School undertakes to:

#### a) act as a Data Controller

This means that the school has responsibilities under the GDPR, and will be accountable as per the definition above.

#### b) process data lawfully and fairly

The School will process personal data only when it has a lawful reason to do so. The justification should meet at least one of six criteria:

<i>Basis for processing</i>	<i>Example</i>
• Legal Obligation	Provide DfE with attendance data
• Consent provided by data subject	Photographs on school website
• Contractual obligation	Providing other schools with job references
• Vital interest	Data processed for safeguarding purposes
• Legitimate interest	Analysis of exam results
• Public interest	Sharing finances with Charities Commission

#### c) process data for a specific purpose

Data will only be processed where a clear and legitimate purpose has been identified by the School. Any natural person affected will also be informed of this purpose, and data collected shall not be used for any other means other than that which is stated.

#### d) minimise data processing

The School aims to reduce data processed to the minimum amount possible in order to achieve a specific purpose. Whenever data collection occurs, data subjects will not be asked to supply personal data that is not necessary to the outcome.

#### e) retain data no longer than necessary

The nature of data the School collects varies greatly. As such, The School uses the IRMS Schools Toolkit as a guide on how long it stores data. This can be accessed via the School website.

#### f) ensure data integrity and security

The School will ensure that all feasible measures are put in place to ensure security of personal data pertaining to any natural person, and that data is accurate. This includes procedural measures as well as digital/technical security control.

g) appoint a Data Protection Officer (DPO)

The School will designate a DPO that reports directly to the senior team, and is able to act independently without reprisal when dealing with data protection matters. Contact details for the DPO will always be publicly available via the School website.

## **4. Privacy Notices**

### **a) Provision**

Data subjects have a right to be informed of data processing. As a Data Controller the School will provide and update Privacy Notices relevant to all natural persons for whom it holds personal data.

### **b) Availability**

Privacy Notices may periodically be updated to reflect changes in services or working practices at the School. In these circumstances the School will ensure all users are informed. Privacy Notices will be available at all times on the School website.



## 5. Retention

### a) Policy

In line with its function as a public body, the School collects and processes a large amount of personal data each year. Data may pertain to parents, students, and staff, as well as external contacts (Example: Supplier or cover teacher contact details).

As such, the storage and retention of personal data is complex. Certain data are retained longer than others, depending on various factors, including the reason it was originally collected, its sensitivity, or its importance regarding legal matters.

The School therefore uses the guidelines provided by the IRMS to ensure data is retained appropriately. The IRMS Schools Toolkit can be found on the School website, or the IRMS website.

The following examples show indicative figures as to the longevity of personal data at the School. It is important to note that these are not rigid - the School has legal and safeguarding obligations to meet, which allow it to retain certain data longer than specified below.

<i>Example</i>	<i>Nominal retention period</i>
• Admissions - successful	Date of entry plus 3 years
• Admissions - unsuccessful	Date of submission plus 1 year
• Student file	Date of birth plus 25 years
• Staff Appraisals	Date of appraisal plus 5 years

### b) Disposal

The School stores personal data in two ways; paper copy, or digital files on disk. When the retention period for a particular dataset has expired, the School will arrange secure disposal of all personal data.

Paper records are destroyed by shredding. The School engages an independent contractor to shred expired records on-site during the Summer every year.

All computer disks from School IT devices are disposed of via IT recycling contractors. In every instance, data destruction certificates are obtained and kept on record.

## 6. Data subject rights

Every data subject (any natural person, as defined above) has a right to influence the processing of their personal data. These rights can be applied in various ways;

### a) Subject Access Request (SAR)

A SAR is an official request by any natural person for access to their data. Upon receiving such a request, information included in a response will include as a minimum:

- What personal data is being stored/processed
- The reasons for the processing
- Who has access to the information

The School will acknowledge every SAR within 30 days of receiving the request, and will not impose any fee. The School reserves the right to:

- Further communicate with the individual to clarify the request or verify identity
- Redact information pertaining to other individuals
- Consider certain data exempt where legal/safeguarding issues are concerned (the individual will be informed if this is the case)

### b) Rectification

Individuals are able to request the correction of inaccurate personal data. As above, the school will respond within 30 days, and reserves the right to verify the identity of the individual.

Where data is amended following a request, the School will take all feasible measures to ensure that data processors/third parties are informed of the change. Example: informing payroll of staff name change.

### c) Removal

Individuals have the right to request the deletion/removal of personal data where there is no compelling reason for the School to continue processing. Reasons for removal requests may include (but are not limited to):

- Data that is perceived to be processed unlawfully
- The data is no longer necessary/relevant to the original purpose
- The individual is withdrawing consent
- The removal is in accordance with a legal obligation

The School has the right to refuse removal requests in certain circumstances. This may include:

- Compliance with a legal process or obligation
- To comply with a task in the interests of public information or public health

#### d) Objection

The individual has the right to object to processing of their personal data at the point of initial contact. The individual also has a right to object to the ongoing processing of data. If the grounds for the request are verified and relate to an individual's specific situation, the School will cease data processing. The School will also make every reasonable effort to ensure data processors/third parties cease processing the data.

The School reserves the right to refuse such a request if it can establish the processing is conducted for legal claims/obligations, or any other compelling, legitimate reasons that override the rights of the individual.

#### e) Restriction

In contrast to Removal or Objection, individuals have the right to request the restriction of data processing. This may occur for several reasons, including:

- The accuracy of data is under question and can be restricted until the integrity of data can be verified
- The School has no need to continue processing data, but the individual requires the data for other reasons, such as making a legal claim
- The individual has presented an objection request that the School is considering

#### f) Portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller
- Where the processing is based on the individual's consent or for the performance of a contract
- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form. The School will provide information free of charge within a 30 day period. Where feasible, data will be transmitted directly to another organisation at the request of the individual.

## **7. Data Breach**

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

In order to minimise the risk of a data breach, and to mitigate the potential harm to individuals, the School maintains a written data breach procedure, together with a risk register and list of external data processors.

Should a data breach occur, the Data Protection Officer and Head of School/Executive Principal will investigate the cause, nature and severity of the breach and initiate the breach procedure. The ICO (Information Commissioner's Office), the Police and school stakeholders will be informed if deemed relevant.

The Data Protection Officer and Head of School/Executive Principal will examine the school's Risk Register and determine whether any further action can be taken to prevent further data loss and recover lost or damaged data.

All data breaches will be recorded in the Data Breach Register which is held by the Data Protection Officer.

## 8. Data Protection Officer (DPO)

The role of the DPO within an organisation was emphasised in the GDPR. The School will appoint a DPO who will be able to act independently regarding data protection. If the DPO is an existing employee, data protection work will be conducted with complete freedom and independence from his/her existing duties.

The DPO will report to the SLT and Governing body of the School. The DPO will be given sufficient time and resources to perform their role, and will not be penalised or impaired as a result of carrying out their task.

### a) Accessible

The DPO will be contactable by all data subjects. The contact details for the DPO will always be available via the School website, and the DPO will actively advertise his/her availability to all relevant parties.

### b) Awareness

The DPO will assume a lead role in the promotion of all aspects of this policy, and of wider data protection laws, policies and best practice.

The DPO will undertake to raise awareness amongst all stakeholders, including staff, students and their parents.

### c) Subject-area knowledge

The DPO will keep his/her knowledge of data protection matters, including legislation, up-to-date and relevant.

### d) Contacting the DPO

The School's Data Protection Officer can be contacted by emailing:  
[dataprotection@tomlincoteschool.com](mailto:dataprotection@tomlincoteschool.com)