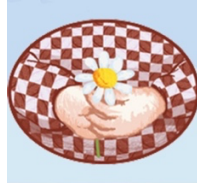


# Stone Bay Montessori and Beach School



## Data Protection Policy and Procedures

### 1. AIMS

Stone Bay Montessori and Beach School aims to ensure that all personal data collected about staff, pupils, parents, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

### 2. LEGISLATION AND GUIDANCE

This policy meets the requirements of the GDPR and the expected provisions of the DPA2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests. In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which give parents the right of access to their child's educational record.

### 3. DEFINITIONS

Term	Definition
Personal Data	<p>Any information relating to an identified, or identifiable, individual. This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Special categories of personal data	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious or philosophical beliefs</li><li>• Trade union membership</li><li>• Genetics</li><li>• Health - physical or mental</li><li>• Sex life or sexual orientation</li></ul>

<b>Processing</b>	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

#### 4. THE DATA CONTROLLER

Stone Bay Montessori and Beach School processes personal data relating to parents, pupils, staff, visitors and others and therefore is a data controller. Stone Bay Montessori and Beach School is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

#### 5. ROLES 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.

##### ALL STAFF

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy.
- Informing the manager of any changes to their personal data, such as change of address.
- Contacting the DPO in the following circumstances:
  - 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 there has been a data breach.

#### 6. DATA PROTECTION PRINCIPLES

The GDPR is based on data protection principles that St Michael's 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 for which they are processed.

- Accurate and, where necessary, kept up to date.
- Kept for not longer than is necessary for the purposes for which it is processed.
- Processed in a way that ensures it is appropriately secure.

## **7. COLLECTING PERSONAL DATA**

### **7.1 Lawfulness, fairness and transparency**

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can fulfil a contract with the individual, or the individual has asked the school to take specific steps.
- The data needs to be processed so that the school can comply with a legal obligation.
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect life.
- The data needs to be processed so that the school can perform a task in the public interest and carry out its official functions.
- The data needs to be processed for the legitimate interests of the school or a third party (provided the individual's rights and freedoms are not overridden).
- The individual (or their parent/carer when appropriate) has freely given clear consent.

### **7.2 Limitation, minimisation and accuracy**

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's retention schedule.

## **8. SHARING PERSONAL DATA**

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk.
- We need to liaise with other agencies - we will seek consent as necessary before doing this.
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils, e.g. IT companies. When doing this, we will:
  - Only appoint suppliers or contractors who can provide sufficient guarantees that they comply with data protection law.
  - Establish a data sharing agreement with the supplier or contractor to ensure fair and lawful processing of any personal data we share.
  - Only share data that the supplier or contractor needs to carry out their service and information necessary to keep them safe while working for us.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud.
- The apprehension or prosecution of offenders.
- The assessment or collection of tax owed to HMRC.
- In connection with legal proceedings.
- Where the disclosure is required to satisfy our safeguarding obligations.
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

## **9. SUBJECT ACCESS REQUESTS AND OTHER RIGHTS OF INDIVIDUALS**

### **9.1 Subject Access Requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the school hold about them. This includes:

- Confirmation that their personal data is being processed.
- Access to a copy of the data.
- The purposes of the 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 the criteria used to determine the period.

### **9.2 Children and Subject Access Requests**

Personal data about a child belongs to that child and not to the child's parents or carers. However, subject access requests from parents or carers with children under the age of 12, may be granted without the express permission of the pupil.

### **9.3 Responding to Subject Access Requests**

When responding to requests, we:

- May ask the individual to provide 2 forms of identification.
- May contact the individual by phone to confirm the request was made.
- Will respond without delay and within 1 month of receipt of the request.
- Will provide the information free of charge.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual.
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests.
- Is contained in adoption or parental order records.
- Is given to a court in proceedings concerning the child.

If the request is unfounded or excessive, we may refuse to act on it. When we refuse a request, we will tell the individual why and tell them that they have the right to complain to the ICO.

### **9.4 Other Data Protection Rights of the Individual**

Individuals also have the right to;

- Withdraw their consent to processing at any time.
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it in certain circumstances.
- Prevent use of their personal data for direct marketing.
- Challenge processing which has been justified on the basis of public interest.
- Be notified of a data breach in certain circumstances.
- Make a complaint to the ICO.

## **10. PHOTOGRAPHS AND VIDEOS**

As part of our activities, we may take photographs and record images of individuals within our school.

We will obtain written consent form parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials.

## **11. DATA SECURITY AND STORAGE OF RECORDS**

We will protect personal data and keep it safe from unauthorised and unlawful access, alteration, processing or disclosure and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices that contain personal data are kept under lock and key when not in use.
- Where personal information needs to be taken off site, it must be securely stored and returned as soon as possible.
- Passwords that are at least 8 characters long containing letters and numbers are used to access electronic devices.

## **12. DISPOSAL OF RECORDS**

Personal data that is no longer needed will be disposed of securely. For example, we will shred paper-based records and over write or delete electronic files.

## **13. PERSONAL DATA BREACHES**

The school will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow a set procedure and make a report to the ICO within 72 hours.

## **14. TRAINING**

All staff are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes in legislation, guidance or the school processes make it necessary.

## **15. LINKS WITH OTHER POLICIES**

This data protection policy is linked to our;

- Photographic Policy
- Safeguarding Policy