



**BURTON
BOROUGH
SCHOOL**

PRIVACY NOTICE

Policy Reviewer	Sarah McElduff	Date of Review	May 2018
Date Presented to Governors		Date of Next Review	May 2020

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1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, 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 DPA 2018. 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](#).

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information. In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

3. Definitions

Term	Definition
<p>Personal data</p>	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"> Name (including initials) Identification number Location data Online identifier, such as a username or pseudonymous data <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<p>Special categories of personal data</p>	<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"> Racial or ethnic origin Political opinions Religious or philosophical beliefs Trade union membership Genetics Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes Health – physical or mental Sex life or sexual orientation
<p>Processing</p>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<p>Data subject</p>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<p>Data controller</p>	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>
<p>Data processor</p>	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
<p>Personal data breach</p>	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.</p>

4. The Data Controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The 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

Access and use of personal information held by the Council, is only permitted by employees (temporary or permanent), Members, contractors, agents and anyone else processing information on our behalf, for the purpose of carrying out their official duties. Use or access for any other purpose is not allowed unless required by law. Deliberate unauthorised use and access to copying, destruction or alteration of or interference with any personal information is strictly forbidden.

5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data Protection Officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable. They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO. Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Rob Montgomery, Audit & Governance Team Leader, Telford & Wrekin Council and is contactable via email: robert.montgomery@telford.gov.uk.

5.3 Principal

The principal (or their named delegated individual) acts as the representative of the data controller on a day-to-day basis.

6. Collecting Personal Data

We collect data for the following:

- Pupils
- Workforce

In appendix 1 and 2, we answer the following questions in relation to collecting personal data on these two specific groups.

- Why we collect this information
- The lawful basis on which we use this information
- Limitation, minimisation and accuracy
- Sharing Personal Data
- Who we share information with
- Why we share information
- Data collection requirements

7. Subject Access Requests and Other Rights of Individuals

7.1 Subject Access Requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds 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 if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted on the attached request form (Appendix 3) which can be posted or emailed to the school.

If staff receive a subject access request they must immediately forward it to the Business Manager.

7.2 Responding to Subject Access Requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via 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
- Will respond provided the applicant has forwarded their request in writing by completing a subject access request form (see appendix 3)
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

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, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

7.3 Other Data Protection Rights of the Individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), 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
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

7.4 Children and Subject Access Requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

7.5 Parental Requests to see the Educational Record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 14 school days of receipt of a written request.

8. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Business Manager.

9. Photographs and Videos

As part of our school activities, we may take photographs and record images of individuals within our school. We will obtain written consent from parents/carers, or anyone aged 18 and over, for photographs and videos to be taken for communication, marketing and promotional materials.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further in accordance with the schools retention policy.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified. See our media agreement for more information on our use of photographs and videos.

10. Transfer of Data Outside the EEA

Where we use companies that transfer data outside the EEA, we would refer you to those suppliers' privacy statements.

11. Website Cookies

Visitors to the school website have the opportunity to give consent to accept cookies, which are small files stored on the visitors computer. The cookie file allows the school to determine visitor patterns, in conjunction with Google Analytics. This data cannot be processed in a way to identify individuals and we do not attempt to find out identities of individuals visiting our website. Where we embed tweets into the website, no cookies are recorded. The website hosting company acts as a data processor on behalf of the school, when processing information on behalf of the school, ie. through forms.

12. Links with Other Policies

This privacy notice is linked to our:

- [Data Protection Policy](#)
- [Freedom of information publication scheme](#)
- [Data collection forms](#)
- [Home / school agreement](#)
- [Media agreement](#)
- [Staff handbook / acceptable use policy](#)
- [Records management policy](#)
- [CCTV Policy](#)

Appendix 1 Pupil Information

A1.1 Why we Collect this Information

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

A1.2 The Lawful Basis on which we use this Information

We collect and use pupil information under GDPR article 6(1) (e) where 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.

For special categories of personal data, we will also meet the special category conditions for processing under GDPR article 9(2) (g) where processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Where we use third-party online services to provide homework and revision facilities, we will meet the conditions of a legal obligation under GDPR article 6(1) (c) where the processing is necessary for us to comply with the law.

Where third-party online services fall outside of the scope of this obligation which are offered to pupils such as classroom apps and we intend to rely on consent as a basis for processing, we will get parental consent where the pupil is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

A1.3 Limitation, Minimisation and Accuracy

Whilst the majority of pupil information you provide 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.

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 records management policy.

A1.4 Who we Share Pupil Information with

We routinely share pupil information with:

- Schools that the pupil's attend after leaving us
- Our local authority
- The Department for Education (DfE)
- The National Health Service (NHS)

A1.5 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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Other reasons we may share information:

- 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 – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the 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 with 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.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

A1.6 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>.

A1.7 Youth Support Services

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

A parent or guardian 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 child / pupil once he/she reaches the age 16.

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 the Telford & Wrekin Council website.

A1.8 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 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: and
- 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>

Appendix 2 Workforce Information

A2.1 Why we Collect 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

A2.2 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, driving license, DBS)
- Special categories of data including characteristics information such as gender, age, ethnic group, medical information
- 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)

A2.2 The Lawful Basis on which we use this Information

We collect and use personal information under GDPR article 6(1) (b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

For special categories of personal data, we will also meet the special category conditions for processing under GDPR article 9(2) (g) where processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

A2.3 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 records management policy.

A2.4 Who we Share this Information with

We routinely share this information with:

- The local authority
- The Department for Education (DfE)

A2.5 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 school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

A2.6 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; and
- 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>

Relationship with the data subject and brief explanation as to why you are requesting this information rather than the Data Subject:

If you are acting on behalf of the data subject you will need to enclose their written authority including a signature or other legal documentation (eg. Power of attorney) to confirm this request. You also need to enclose evidence of your identity and that of the data subject (see section 4 for details of acceptable identity).

Your Address (if different to above):

Post Code:

Your telephone number
if different to the above _____

Your email address
if different to above _____

Please provide a clear description of the information you are requesting, see table below. If you provide specific details of what information you want, eg. Name of a document relevant to a time period rather than just the whole of your file you may receive a quicker response.

Description of information you are requesting	Period of time information requested for
Educational record SEN record Attendance Behavioural record Other please state:	

You are required to provide evidence of your identity and will be required to provide two pieces of evidence (one containing a photo). Acceptable types of documents used to verify your identity could include:

- Driving license
- Passport
- National ID Card
- Medical Card
- Utility Bill (no more than 3 months old)
- Any other official letter/bill/statement (no more than 3 months old)

You are requested to make an appointment with school and bring your original ID for verification as soon as possible from receipt of this form. The commencement of the time period will start from the next calendar day. No copies of your ID will be kept in school

All information in respect to your request will be sent to you via secure email unless alternative arrangements are made. We may require further evidence of your identity if you collect your information from school premises.

Declaration

To be completed by all applicants. Please note that any attempt to mislead the school may lead to prosecution.

I (insert name) _____

Certify that the information given on this application form and any attachments therein to Burton Borough School is accurate and true.

I understand that it is necessary for the school to confirm my identity and it may be necessary to obtain more information in order to locate the correct information.

Signature _____

Date _____

Return of the Form

If you are either posting your documents and payment or hand delivering them then our address is detailed below:

Burton Borough School
Audley Avenue
Newport
Shropshire
TF10 7DS

Our email address is dataprotection.bbs@taw.org.uk

How we will send you the information you have requested

We want you to receive the information you have requested in the most convenient way for you.

However we do have an obligation under the General Data Protection Regulations to provide you with the information you have requested in the most secure way possible.

We believe the most secure way to provide you with the information is for you to collect the documentation in person from our premises.

However we can arrange for us to email you the information securely/encrypted using our Secure Communication System which would allow you to electronically access the information requested (free of charge).

Or we can post your information to you but there are risks attached to providing you with your information using this method, e.g. Royal Mail may lose your information, deliver it to the wrong address, etc.

Please confirm you are happy to receive your information by our Secure Communication System by ticking the box below and confirming the email address that your information should be sent to:

Collection in person	<input type="checkbox"/>	CD or Paper Copy (please circle your choice)
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Alternatively if you prefer any of the other methods below please indicate which by ticking ONE of the boxes below:

Secure Email	<input type="checkbox"/>	Email Address
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By Post (special delivery)	<input type="checkbox"/>	CD or Paper Copy (please circle your choice)
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