



**YARROW  
HEIGHTS  
SCHOOL**

## DATA PROTECTION POLICY

*This policy, which applies to the whole school, is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.*

<b>Date Adopted:</b>	
<b>Written by:</b>	_____ Signature  <u><b>KAREN GASTER</b></u> _____ Name  <u><b>HEADTEACHER</b></u> _____ Title
<b>Approved by:</b>	_____ Signature  <u><b>ANNE-MARIE CARRIE</b></u> _____ Name  <u><b>CHAIR OF GOVERNORS</b></u> _____ Title
<b>Last Review by: Date:</b>	
<b>Next Review by Board of Trustees:</b>	[Date]

*Under the Equality Act 2010 we have duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief, and sexual orientation. This policy has been equality impact assessed and we believe it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any employee or applicant and it helps to promote equality at this school.*

*Yarrow Heights School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all pupils fulfil their potential.*

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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 within our schools is collected, stored and processed in accordance with the [General Data Protection Regulation \(EU\) 2016/679 \(GDPR\)](#) and the [Data Protection Act 2018 \(DPA 2018\)](#).

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 DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#).

This policy meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data.

This policy also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information. In addition, this policy complies with our Funding Agreement and Articles of Association.

## 3. Definitions

TERM	DEFINITION
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, living individual.</p> <p>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>
<b>Special categories of personal data</b>	<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>✓ Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li><li>✓ Health – physical or mental</li><li>✓ Sex life or sexual orientation</li></ul>
<b>Processing</b>	<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>

<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 Controllers**

Our School processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is the Data Controllers.

Yarrow Heights School is registered with the ICO / has paid its data protection fee to the ICO, as legally required.

## **5. Roles and responsibilities**

This policy applies to all staff employed by our School and governors, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### **5.1 Governing Body**

The local governing body/local advisory group for our school has overall responsibility for ensuring that the 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.

### **5.3 Headteacher**

The Headteacher at Yarrow Heights School acts as the Senior Information Risk Owner (SIRO) for the school.

### **5.4 All staff**

Staff are responsible for:

- ✓ Collecting, storing and processing any personal data in accordance with this policy.
- ✓ Informing the school of any changes to their personal data, such as a change of address.
- ✓ Contacting the DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure.
  - If they have any concerns that this policy is not being followed.
  - If they are unsure whether they have a lawful basis to use personal data in a particular way.
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area.

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- If there has been a data breach.
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals.
- If they need help with any contracts or sharing personal data with third parties.

## 6. Data Protection principles

The GDPR is based on Data Protection principles that our school 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 it is processed.
- ✓ Accurate and, where necessary, kept up to date.
- ✓ Kept for no longer than is necessary for the purposes for which it is processed.
- ✓ Processed in a way that ensures it is appropriately secure.

This policy sets out how the School aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

Our School will only process personal data where they have one of six '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 before entering into a contract.
- ✓ 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 or another person i.e. to protect someone's life.
- ✓ The data needs to be processed so that the School, as a public authority, can **perform a task in the public interest or exercise its official authority**.
- ✓ The data needs to be processed for the **legitimate interests** of the School (where the processing is not for any tasks the School performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden.
- ✓ The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**.

For special categories of personal data, schools will also meet one of the special category conditions for processing under data protection law:

- ✓ The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**.
- ✓ The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**.
- ✓ The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent.
- ✓ The data has already been made **manifestly public** by the individual.
- ✓ The data needs to be processed for the establishment, exercise or defence of **legal claims**.
- ✓ The data needs to be processed for reasons of **substantial public interest** as defined in legislation.
- ✓ The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law.
- ✓ The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law.

- ✓ The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest.

For criminal offence data, the School will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- ✓ The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**.
- ✓ The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent.
- ✓ The data has already been made **manifestly public** by the individual.
- ✓ The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**.
- ✓ The data needs to be processed for reasons of **substantial public interest** as defined in legislation.

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

Our School will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect or use personal data in ways which have unjustified adverse effects on them.

## 7.2 Limitation, minimisation and accuracy

Our School will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when first collecting their data.

If the School wishes to use personal data for reasons other than those given when first obtaining 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.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, 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 record retention schedule.

## 8. Sharing personal data

Our School will not normally share personal data with anyone else without consent, but there are certain circumstances where they may be required to do so. These include, but are not limited to, situations where:

- ✓ There is an issue with a pupil or parent/carer that puts the safety of staff at risk.
- ✓ We need to liaise with other agencies and we will seek consent as necessary before doing this.
- ✓ Suppliers or contractors need data to enable our School to provide services to 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 contract with the supplier or contractor 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.

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

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 our School transfer personal data internationally, they will do so in accordance with data protection law.

## **9. Subject access requests and other rights of individuals**

Please see **Procedure for Handling Subject Access Requests**, available [here](#).

## **10. Parental requests to see the educational record**

Please see our Trust **Procedure for Handling Subject Access Requests**, available [here](#).

## **11. Biometric recognition systems**

Please see our Trust **Biometric Policy**, available [here](#).

## **12. CCTV**

CCTV is used in various locations in our School to ensure we remain 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 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 School's designated contact details as found in **Appendix 1**.

## **13. Photographs and videos**

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

### **13.1 Students under the age of 12**

Our school will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. They will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this in writing. This consent will be renewed annually, and parents/carers will be asked to advise the school should the situation change.

### **13.2 Children over the age of 12**

Our school will obtain written consent from parents/carers, and pupils themselves for photographs and videos to be taken of pupils for communication, marketing and promotional materials. This consent will be renewed annually, and all parties will be asked to advise the school should the situation change.

Where they need parental consent, the School will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where they don't need parental consent, our School will clearly explain to the pupil how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

### **13.3 Refusal/Withdrawal of consent**

Consent can be refused or withdrawn at any time. If consent is withdrawn, our School will delete the photograph or video and not distribute it further.

## **14. Data protection by design and default**

Our school will put measures in place to show that we have integrated data protection into all our data processing activities, including:

- ✓ Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge.
- ✓ Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6).
- ✓ Completing data protection impact assessments where the School's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies.
- ✓ Integrating data protection into internal documents including this policy, any related policies and privacy notices.
- ✓ Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; We will also keep a record of attendance.
- ✓ Regularly conducting reviews and audits to test privacy measures and make sure they are compliant.
- ✓ Appropriate safeguards being put in place if we transfer any personal data where different data protection laws will apply
- ✓ Maintaining records of our processing activities.
- ✓ For the benefit of data subjects, making available the name and contact details of our school's DPO and all information they are required to share about how they use and process their personal data (via privacy notices).
- ✓ For all personal data that our School holds, maintaining an internal record of the type of data, type of data subject, how and why they are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how they are keeping the data secure.

## **15. Data security and storage of records**

Our School will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. The following policies are available upon request which outline the security procedures in place throughout our School.

- ✓ [Data Handling Security Policy](#)
- ✓ [IT Credentials Management Policy](#)
- ✓ [Portable Device Policy](#)
- ✓ [Records Management Policy](#)

## **16. Disposal of records**

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where the School cannot or do not need to rectify or update it.

For example, the School will shred or incinerate paper-based records and overwrite or delete electronic files. They may also use a third party to safely dispose of records on the school's behalf. If the School do so, they will require the third party to undertake assurances that it complies with data protection law.

## **17. 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 the procedure set out in the school's [Security Incident Policy](#).

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- ✓ A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium.
- ✓ Safeguarding information being made available to an unauthorised person.
- ✓ The theft of a school laptop containing non-encrypted personal data about pupils.

## **18. Training**

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the School's processes make it necessary.

## **19. Monitoring arrangements**

This policy will be reviewed **annually by the Governing Body**.

While the GDPR and Data Protection Act 2018 are still relatively new and we are working out how best to implement them, we will continue to monitor this policy annually, and then extend this to every two years once we are confident with our arrangements.

## **20. Links with other policies**

This data protection policy is linked to our:

- [Freedom of information publication scheme](#)
- [Handling Subject Access Requests](#)
- [Surveillance Management Procedure](#)
- E-Safety Policy
- [Acceptable Use Policy](#)
- [Data Handling Security Policy](#)
- [IT Credentials Management Policy](#)
- [Portable Storage Device Policy](#)
- [Security Incidents Policy](#)
- [Records Management Policy](#)
- [Biometrics Policy](#)
- [Statutory Requests for Information Policy](#)
- [Freedom of Information](#)

## **APPENDIX 1: School contact details**

Use the following table for any school specific queries regarding data protection. TBC

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