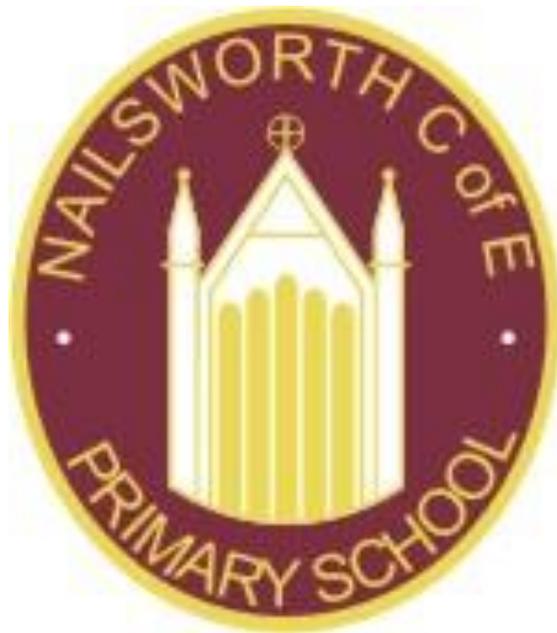


Policy Statement for

General Data Protection Regulation (GDPR)

Formerly Data Protection



Change History	Summary of Key Changes
Dec 2014	Updated to new format. Revised to adopt the LEA model policy on Data Protection
Jun 2015	References made to link directly to school's Safeguarding and Child Protection Policy
Nov 2017	Changed reference to DCSF to DfE
May 2018	Incorporate GDPR
Jan 2020	Added Appendix A retention periods, updated links

General Data Protection Regulation

Our Commitment:

Nailsworth CE Primary School is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA)

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

Changes to data protection legislation (GDPR May 2018) shall be monitored and implemented in order to remain compliant with all requirements.

The legal bases for processing data are as follows –

(a)Consent: the member of staff/student/parent has given clear consent for the school to process their personal data for a specific purpose.

(b)Contract: the processing is necessary for the member of staff's employment contract or student placement contract including contractual obligations)

The members of staff responsible for data protection are the Headteacher and the Business Manager. However all staff must treat all pupil information in a confidential manner and follow the guidelines as set out in this document.

The school is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them through the school development plan.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

Notification:

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.

Personal and Sensitive Data:

All data within the school's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

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The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/key-definitions/what-is-personal-data/>

The principles of the Data Protection Act shall be applied to all data processed:

- ensure that data is fairly and lawfully processed
- process data only for limited purposes
- ensure that all data processed is adequate, relevant and not excessive
- ensure that data processed is accurate
- not keep data longer than is necessary
- process the data in accordance with the data subject's rights
- ensure that data is secure
- ensure that data is not transferred to other countries without adequate protection.

Fair Processing / Privacy Notice:

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and pupils prior to the processing of individual's data.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation.

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-data-protection-themes/children/>

There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example local authorities, Ofsted, or the department of health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

We are required to pass on some of this data to:

- the LA
- the Department for Education (DfE).

If you require more information about how the LA and/or DfE store and use this data please go to the following websites:

- <https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/privacy-notices/> and
- <https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

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If you are unable to access these websites, please contact the LA or the DfE as follows:

- CYPD Information Support Team
Gloucestershire County Council
 Shire Hall, Gloucester, GL1 2TP
 website: www.gloucestershire.gov.uk
 email: datasupport@gloucestershire.gov.uk

- Public Communications Unit
Department for Education
 Sanctuary Buildings, Great Smith Street, London, SW1P 3BT
 website: www.gov.uk
 tel: 0870 000 2288

Any proposed change to the processing of individual's data shall first be notified to them.

Under no circumstances will the school disclose information or data:

- that would cause serious harm to the child or anyone else's physical or mental health or condition
- indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
- recorded by the pupil in an examination
- that would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption from disclosure does not apply if the information can be edited so that the person's name or identifying details are removed
- in the form of a reference given to another school or any other place of education and training, the child's potential employer, or any national body concerned with student admissions.

Data Security:

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO: <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/accountability-and-governance/data-protection-impact-assessments/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

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Data Access Requests (Subject Access Requests):

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

The Business Manager
Nailsworth CE Primary School

A £10 charge may be applied to process the request.

Personal data about pupils will not be disclosed to third parties without the consent of the child's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

- **Other schools**

If a pupil transfers from one to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the new school. This will support a smooth transition from one school to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress as a result of the move.

- **Examination authorities**

This may be for registration purposes, to allow the pupils at our school to sit examinations set by external exam bodies.

- **Health authorities**

As obliged under health legislation, the school may pass on information regarding the health of children in the school to monitor and avoid the spread of contagious diseases in the interest of public health.

- **Police and courts**

If a situation arises where a criminal investigation is being carried out we may have to forward information on to the police to aid their investigation. We will pass information onto courts as and when it is ordered.

- **Social workers and support agencies**

In order to protect or maintain the welfare of our pupils, and in cases of child abuse, it may be necessary to pass personal data on to social workers or support agencies.

- **Educational division**

Schools may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

- **Right to be Forgotten:**

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped and all their personal data is erased by the school including any data held by contracted processors.

- **Photographs and Video:**

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only. Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources.

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It is the school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

Location of information and data:

Hard copy data, records, and personal information are stored out of sight and in a locked cupboard. The only exception to this is medical information that may require immediate access during the school day. This will be stored with the school medical coordinator.

Sensitive or personal information and data should not be removed from the school site, however the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with pupils.

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off the school site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places, or left unattended under any circumstances.
- Unwanted paper copies of data, sensitive information or pupil files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or pupil by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.
- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.
- If it is necessary to transport data away from the school, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB, and saved onto the USB only.
- USB sticks that staff use must be password protected.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

Data Disposal:

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

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Disposal of IT assets holding data shall be in compliance with ICO guidance:

https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf

The school has identified a qualified source for disposal of IT assets and collections. The school also uses PrintWaste to dispose of sensitive data that is no longer required.

Data protection officer (DPO)

A DPO will be appointed in order to:

- Inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws.
- Monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.

An existing employee will be appointed to the role of DPO provided that their duties are compatible with the duties of the DPO and do not lead to a conflict of interests. Where this is deemed not practical a partnership with another local school(s) will be created to appoint a person from out of school.

The individual appointed as DPO will have training to provide knowledge of data protection law in relation to schools.

The DPO will report to the Headteacher and where necessary to the Chair of Governors.

The DPO will operate independently and will not be dismissed or penalised for performing their task.

Sufficient resources will be provided to the DPO to enable them to meet their GDPR obligations.

Retention Periods

The retention periods for documents are found in Appendix A

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Appendix A - School Disposal Schedule

1. Management & Organisation

Ref	Record	Minimum Retention Period	Action After Retention
1.1	Board of Governors – general correspondence	Current school year + 6 years	Destroy
1.2	BOG Meetings Minutes (master)	Current school year + 6 years	Destroy
1.3	Senior Management Team-Meeting Minutes	Current school year + 6 years	Destroy
1.4	Staff Meeting Minutes	Current school year + 6 years	Destroy
1.5	School Development Plan	Retain in school for 10 years from closure of Plan	Destroy
1.6	School Policies	Retain while current. Retain 1 copy of old policy for 2 years after being replaced	Destroy
1.7	PTFA – minutes and general correspondence	Current school year + 6 years	Destroy
1.8	Visitors Book	Current school year + 6 years	Destroy
1.9	Circulars to Staff, Parents and Pupils	Current school year + 3 years	Destroy
1.10	School Brochure or Prospectus	Current school year + 3 years	Destroy
1.11	Comments/Complaints	5 years after closing. Review for further retention in the case of contentious disputes	Destroy

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1.12	Headteacher's Report to Governors	Retain in school for 10 years from date of Report	Destroy
1.13	School Fund	Current financial year + 6 years	Destroy
1.14	Emergency Planning/Business Continuity Plan	Until superseded	Destroy

2. Legislation and Guidance from DE, ELB, ESA, CCMS etc

Ref	Record	Minimum Retention Period	Action After Retention
2.1	Education (NI) Order	Until superseded	Destroy
2.2	Circulars, Guidance, Bulletins from DfE, ELB etc	Until superseded	Destroy
2.3	Correspondence re: Statistical Returns to DfE, ELB etc	Current financial year + 6 years	Destroy
2.4	DfE Reports, Ofsted Inspections	Until superseded	Destroy

3. Pupils

Ref	Record	Minimum Retention Period	Action After Retention
3.1	<i>Pupil Admission Data</i>		
3.1a	Applications for enrolment	Forward records to Secondary school	
3.1b	Transfer applications (Transfer Forms)	Forward records to Secondary school	
3.2	Pupil Attendance Information/Registers	Date of Register + 6 years	Destroy
3.3	Pupil Education Records – School/Progress Reports etc	Forward records to Secondary school	

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3.4	Pupil Education Records – School/Progress Reports etc (Special Educational Needs)	Forward records to Secondary school	
3.5	Child Protection Information-Record of concerns where case was not referred to Social Services	Forward records to Secondary school	
3.6	Child Protection Information-Social Services investigation outcome was unfounded or malicious	Forward records to Secondary school	
3.7	Child Protection Information-Social Services investigation outcome was inconclusive, unsubstantiated or substantiated	Forward records to Secondary school	
3.8	Disciplinary Action (Suspension/Expulsion)/Offences – bullying	Forward records to Secondary school	
3.9	Disciplinary Action (Suspension/Expulsion)/Offences – bullying (Special Educational Needs)	Forward records to Secondary school	
3.10	Timetables + Class Groupings	Retain while current	Destroy
3.11	Examination Results	Forward records to Secondary school	
3.12	Careers Advice	N/A	
3.13	School Meals returns	Current financial year + 6 years	Destroy
3.14	Free Meals registers	Current financial year + 6 years	Destroy
3.15	School Trips – Financial & Administration details	Current financial year + 6 years	Destroy
3.16	School Trips-Attendance/Staff Supervision etc	Current financial year + 6 years.	Destroy
3.17	Reports of Stolen/Damaged Items	Current financial year + 6 years	Destroy

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3.18	Medical Records – records of pupils with medical conditions and details for the administration of drugs when necessary.	Forward records to Secondary school	
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3. Staff

Ref	Record	Minimum Retention Period	Action After Retention
4.1	Staff Personnel Records (including, appointment details, training, staff development etc.)	Current school year + 6 years after leaving employment	Destroy
4.2	Interview notes and recruitment records	Date of interview + 12 months	Destroy
4.3	Staff Salary Records	Current school year + 6 years after leaving employment	Destroy
4.4	Staff Sickness Records (copies of Medical Certs)	Current school year + 6 years after leaving employment	Destroy
4.5	Substitute Teacher Records	Current school year + 6 years after leaving employment	Destroy
4.6	Substitute Staff Records-non teaching (cover for nursery assistants)	Current school year + 6 years after leaving employment	Destroy
4.7	Student Records-non teaching (e.g. nursery assistant students & pupils from schools on work experience)	Returned to hosting education establishment ie Secondary School	
4.8	Student Teachers on Teaching Practice – student teacher progress	Current school year + 6 years	Destroy
4.9	Procedures for Induction of Staff	Until superseded	Destroy
4.10	Staff/Teachers' Attendance Records	Current school year + 6 years after leaving employment	Destroy
4.11	Staff Performance Review	Current school year + 6 years after leaving employment	Destroy

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5. Finance

Ref	Record	Minimum Retention Period	Action After Retention
5.1	Annual budget and budget deployment	Current financial year + 6 years	Destroy
5.2	Budget Monitoring	Current financial year + 6 years	Destroy
5.3	Annual Statement of Accounts (Outturn Statement)	Current financial year + 6 years	Destroy
5.4	Order Books, Invoices, Bank Records, Cash Books, Till Rolls, Lodgement books etc	Current financial year + 6 years	Destroy
5.5	Postage Book	Current financial year + 6 years	Destroy
5.6	Audit Reports	Current financial year + 6 years	Destroy

6. Health & Safety

Ref	Record	Minimum Retention Period	Action After Retention
6.1	Accident Reporting (Adults)	Date of incident + 7 years	Destroy
6.2	Accident Reporting (Children)	Until pupil is 23 years old or in the case of a Special Needs pupil, until 26 years old	Destroy
6.3	Risk Assessments – work experience locations/pupils	7 years Pupils risk assessments - Forward records to Secondary school	Destroy
6.4	H & S Reports	15 years	Destroy
6.5	Fire Procedure	Until superseded	Destroy
6.6	Security System File	For the life of the system	Destroy

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