



# GRACE DIEU

## MANOR SCHOOL & NURSERY

### **Data Protection Policy** **(General Data Protection Regulation 2018, supplemented by** **the Data Protection Act 2018)**

*School Mission Statement:*

***“Learning and growing in  
the light of the gospel”***

#### **WITHIN THE POLICY:**

- General Statement of the Nursery and School’s Duties
- Data Protection Controller
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## **General Statement of the Nursery and School's Duties**

Grace Dieu Manor School and Nursery is required to process relevant personal data regarding employees and pupils as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

## **Data Protection Controller**

Grace Dieu Manor School and Nursery has appointed the Headmistress as the Data Protection Controller (DPC). The Headmistress will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the General Data Protection Regulations (2018), and has been informed by the guidance given in the *Caldicott Principles (1997)* and more recently, by Fiona Caldicott (March 2013) *Information: To share or not to share? The Information Governance Review published by the Department of Health*.

## **The Principles**

Grace Dieu Manor School and Nursery shall so far as is reasonably practicable comply with the six Data Protection Principles (the Principles) contained in the General Data Protection Regulation to ensure all data is:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Adequate, relevant and limited to what is necessary
- Accurate and kept up-to-date
- Kept for no longer than necessary
- Processed in a confidential and secure manner

Accountability is key. The Data Controller is responsible for and must be able to demonstrate compliance with the above data protection principles.

## **Personal Data**

Personal data is defined as “any information related to a natural person or Data Subject that can be used or directly or indirectly identify a person.” DPR defines personal data as ‘any information relating to an identified or identifiable, living individual’. It includes information necessary for employment such as the employee’s name and address and details for payment of salary. It includes information held about pupils and their families who attend the school.

## **Processing of Personal Data**

An employee or parent’s consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the employees or parents.

Consent and the performance of the contract are not the only conditions on which you can process data. You can process data where, it is “necessary to comply with a legal obligation to which the controller is subject” or, “for the purposes of the legitimate interests pursued by the controller or a third party, except where, such interests are overridden by the interests and fundamental rights and freedoms of the data subject which request protection of personal data, especially where the data subject is a child.

**Sensitive Personal Data** (now known as **Special Categories** of personal data)

Grace Dieu Manor School and Nursery may, from time to time, be required to process sensitive personal data regarding an employee or pupil. Sensitive personal data includes medical information and data relating to religion, race, trade union membership and criminal records and proceedings. Where sensitive personal data is processed by the School or Nursery, the explicit consent of the employee or parent will generally be required in writing.\*

\*NB the issue of consent in the employment relationship but other conditions are available e.g. “where it necessary for carrying out rights and obligations under employment law”

## **Rights of Access to Information**

Employees and parents have the right of access to information about them held by Grace Dieu Manor School and Nursery, i.e. their personal data. Any employee or parent wishing to access their data should put their request in writing to the Headmistress. The School or Nursery will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within one month for access to records and 21 days to provide a reply to an access to information request. The information will be imparted to the applicant as soon as is reasonably possible after it has come to the School or Nursery's attention. The same will apply to former parents following a written request to the Headmistress.

## **Exemptions**

Certain data is exempted from the provisions of the General Data Protection Regulations which includes the following:

- The prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School (a lawful basis for processing rather than an exemption)

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the Headmistress.

## **Enforcement & Security**

If an employee or parent believes that the School or Nursery has not complied with this policy or acted otherwise than in accordance with the General Data Protection Regulations, the employee or parent should utilise the School and Nursery's Complaints Procedure and address the complaint to the Headmistress who is also the Data Protection Controller.

If there has been a breach of security regarding personal data then we will report the breach to the Information Commissioner Office (ICO) within 72 hours if the breach is likely to result in a high risk to the rights and freedoms of the individuals concerned.

If you continue to have concerns about the way your data is handled and remain dissatisfied after raising your concern with us, you have the right to complain to the Information Commissioner Office (ICO). The ICO can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or [ico.org.uk/](http://ico.org.uk/)

## **Storage and transmission of Sensitive Personal Data**

All personal data must be stored securely. For hard-copies of documents this would mean storage in a secure (lockable) cupboard, cabinet or drawer.

Files containing sensitive personal information on computers at Grace Dieu Manor School or Nursery computers are secured by Profile Types and passwords.

Sensitive Personal Data transmitted by a flash-drive must be password protected. It is recommended that for information stored and utilised using this method, only flash-drives given by the School or Nursery should be used.



## **Appendix A**

### **Guidance & Best Practice for all staff on the application of the General Data Protection Regulations**

#### **Professional standards and good practice**

Below contains the revised Caldicott Principles (March 2013) which govern data protection within the NHS. They are deemed to be best practice for any organisation that holds personal data.

- 1. Justify the purpose(s)**
- 2. Do not use personal confidential data unless it is absolutely necessary**
- 3. Use the minimum necessary personal confidential data**
- 4. Access to personal confidential data should be on a strict need-to-know basis**
- 5. Everyone with access to personal confidential data should be aware of their responsibilities**
- 6. Comply with the law**
- 7. The duty to share information can be as important as the duty to protect pupil/teacher/parent confidentiality**

#### **Personal information**

Our records may contain the following types of personal information:

- Identification details: Names, addresses, National Insurance numbers, etc.
- Personal characteristics: Age, sex, date of birth, physical description, habits, facts about the person.
- Family circumstances: Marital details, family details, household members, social contacts.
- Social circumstances: Accommodation details, leisure activities, lifestyle.
- Financial details: Income, expenditure (School related), bank details, allowances, benefits and pensions.
- Other information: Employment details; qualifications /assessments; details of complaints, allegations, accidents or incidents.

Our records may contain sensitive, personal information which might include the following:

- racial or ethnic origin;
- religious beliefs or beliefs of a similar nature;
- trade union membership;
- physical or mental health or condition;
- commission or alleged commission of any offence; or in relation to proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

Extra care must and would necessarily be taken when processing sensitive personal data.

Before recording or otherwise processing sensitive personal information, you/we must be satisfied that it can meet one or more of the conditions specified in the DPA which allow the processing to take place.

### **Management of personal information**

All staff must ensure they consider the following when they process personal information:

- Its Relevance: Personal information obtained, used and shared must be relevant to Grace Dieu Manor School and Nursery;
- Its Accuracy: Inaccurate information is dangerous as well as useless;
- Its Security: Keep it safe. Watch what you leave lying around or on the photocopier. Be careful when emailing data;
- Keeping data: Keep it safe. Keep it for length of time that is appropriate. Dispose of it securely and safely.

## **Appendix B**

### **Guidance for staff in handling and storing information**

- Papers, files, hard drives, CDs, flash-drives or other media that contain personal data must be guarded at all times, kept securely and locked away when the offices are vacated.
- The keys to cabinets should be kept safe.
- Where possible, documents should be kept in parts of the building protected by an alarm system.
- Staff should ensure that personal information is not provided to any unauthorised person no matter who they are – even the police or social services must obtain authorisation.
- Documents containing personal information must be posted in sealed envelopes which are properly addressed, clearly marked e.g. 'private and confidential' and sent via recorded delivery at all times.
- All sensitive personal information must be encrypted.
- All non-electronic material which contains personal data and has been authorised for disposal must be shredded/incinerated or disposed of using a regulated, professional data removal company.
- The School and Nursery Offices must ensure that documents, including those on computer screens, are not visible to those who do not have the right to view them.

## **Telephone enquiries**

- Personal data or other confidential information must not be provided to telephone callers unless the staff member has satisfied themselves as to the identity of the caller and is certain that it is necessary to provide the information.
- If a staff member cannot confirm the caller's identity or has reason to doubt the identification provided they must make additional checks and telephone the caller back, using a telephone number from our existing records rather than one provided by the caller.
- If an employee has any doubts about whether to disclose personal data they should ask the caller to submit a written request for the information and seek guidance from their line manager or another appropriate senior manager.

## **Electronic records (including e-mails)**

- Emails are not a secure method of communication.
- They can go astray, be intercepted or be forwarded on to a number of people who are not entitled to see them within minutes.
- They can also be addressed incorrectly - people could type in an address incorrectly or select a name from the suggestions which appear when typing into the 'To' field and accidentally send the email to the wrong recipient.
- This also applies to emails meant for internal recipients; they can easily be sent to the wrong recipient or even an external recipient by mistake. If the email is not encrypted, the personal information in it will be disclosed to people who are not entitled to see it.
- A disclaimer needs to be included within your address cards/signatures on all emails which are also being sent out. School and Nursery emails will all have this disclaimer at the bottom:

### **Disclaimer:**

This communication contains information which is confidential and may also be privileged. It is for the exclusive use of the intended recipient(s).

If you are not the intended recipient(s) please note that any distribution, copying or use of this communication or the information in it is strictly prohibited. If you have received this communication in error please notify us by e-mail or by telephone (01530 222276) and then delete this e-mail and any copies of it.

Any opinions expressed in this e-mail are those of the sender, except where those specifically stated to be those of Grace Dieu Manor School or Nursery. Despite operating a virus checker, Grace Dieu Manor School and Nursery cannot guarantee that attachments are virus-free or compatible with your system and cannot accept any liability in respect to virus or computer problems experienced.

Grace Dieu Manor School is a company registered in England, Company Number 5900619, Registered Charity Number 1115976, the registered office is Grace Dieu Manor School, Thringstone, Leicestershire, LE67 5UG



Please check yours has.

- Check, Check and Check again that you are sending your email to the intended recipient
- Remember that emails are the same as any other type of document or official communication.
- Do not retain them if there is no business or legislative need for the information they contain.
- Remember that anything you write in an email could be disclosed to the public under FOI (Freedom of Information) or EIRs (Environmental Information Request) or disclosed to an individual if it is about that person.
- Anything you write in an email could be forwarded on to anyone once you have sent it; remember they are not secure or private! Ensure you password protect and encrypt any documents being sent via an email if containing personal information.
- Computer systems must be password-protected. Passwords must not be written down or disclosed and employees must not allow colleagues to use their individual usernames and passwords.

**All staff must log out of their computer fully** and ensure the monitor is switched off before leaving the office or classroom to go home. Where practicable to do so, laptops must be removed from desks and locked away in a secure place. (See the *ICT Acceptable Use Policy*)

### **Audio-visual records**

Photographs of individuals should not be used unless you have obtained consent from them (or in the case of young people, from their parents or guardians). Policy and procedure about the use of cameras, e.g., for EYFS staff are found in the *ICT Acceptable Use Policy* and the *Safeguarding Policy*.)

### **Glossary:**

**Data:** Qualitative or quantitative statements or numbers that are (or are assumed to be) factual. Data may be raw or primary data (e.g. direct from measurement), or derivative of primary data.

**Data breach:** Any failure to meet the requirements of the Data Protection Act, unlawful disclosure or misuse of personal confidential data and an inappropriate invasion of people's privacy.

**Data controller:** A person (individual or organisation) who determines the purposes for which and the manner in which any personal confidential data are or will be processed. Data controllers must ensure that any processing of personal data for which they are responsible complies with the Act 19.

**Processing Data:** Processing 'data' refers to every act carried out in relation to the data, from recording it through to viewing it, altering it and communicating it.

(Reviewed Sept. 2019 MK)