



Ghyll Royd School and Pre-School
A foundation for life

Data Protection Policy

Policy Leader: Mr David Martin

Policy review completed by the Headteacher on

Name of Headteacher

Date to be reviewed

Summer 2021

David Martin

Summer 2022



Ghyll Royd School • Greystone Manor • Ilkley Road • Burley-in-Wharfedale • Ilkley • West Yorkshire • LS29 7HW
t • 01943 865575 f • 01943 865574 e • information@ghyllroydschool.co.uk w • www.ghyllroydschool.co.uk
Company Number • 03583140 Registered Charity No • 107023

Ghyll Royd School and Pre-School (Early Years Foundation Stage) is committed to safeguarding and promoting the welfare of young children and expects all staff and volunteers to share this commitment.

Ghyll Royd School and Pre-School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the UK General Data Protection Regulation (January 2021), and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data are aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held. This information may include, but is not limited to, the following:

- The administration of the School
- The recruitment and payment of staff
- The provision of educational services
- Recording student progress, attendance, and conduct.
- Collecting fees
- Complying with legal obligations to government and local agencies.

As a School, it is necessary for us to process Personal Information about our staff, pupils, parent(s) / guardian(s) and other individuals who we may come into contact with. In doing so, we recognise that the correct and lawful treatment of Personal Information is critical to maintaining the confidence of those connected with our School.

3. Responsibility for data protection

The school has appointed the Headteacher as Data Protection Coordinator who will deal with all your requests and enquiries concerning the school's uses of your personal data and endeavour to ensure that all personal data is processed in compliance with this policy and Data Protection Law.

The Data Protection Coordinator can be contacted on 01943 865575 or via information@ghyllroydschool.co.uk

Data Protection Principles

The General Data Protection Regulation establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly, lawfully and in a transparent manner in relation to individuals;
2. Personal data shall be obtained only for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
6. Personal data shall be processed in a manner that ensures appropriate security of the personal data;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

General Statement

The School and Pre-School is committed to maintaining the above principles at all times. Therefore, we will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary

- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Violation prevention

We will implement appropriate technical and organisational measures to guard against unauthorised or unlawful processing, and against accidental loss, destruction or damage.

We will develop, implement and maintain safeguards appropriate to our size, scope, our available resources and the level of risk identified.

Complaints

Complaints will be dealt with in accordance with the School and Pre-School's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Contacts

If you have any queries in relation to this policy, please contact David Martin who will also act as the contact point for any subject access requests.

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

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

Appendix 1

Ghyll Royd School and Pre-School

Procedures for responding to subject access requests made under the UK General Data Protection Regulation 2018.

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Actioning a subject access request

1. Requests for information can be made verbally or in writing to any member of the School. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

This list is not exhaustive.

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 13 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. Subject Access Rights (SARs) Individuals have a right to access any personal data relating to them which are held by the School. Any individual wishing to exercise this right should apply in writing to the Headteacher (Data Controller). Any member of staff receiving a SAR should forward this to the Bursar.

5. Under the terms of the legislation, any such requests must be complied with within 31 days (**not working or school days but calendar days, irrespective of school holiday periods**). For detailed guidance on responding to SARs, see refer to the ICO website. The 31 days will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 31-day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

Complaints

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

Appendix 2 – Information Sharing

Ghyll Royd School, Pre-School and Nursery is committed to safeguarding and promoting the welfare of young children and expects all staff and volunteers to share this commitment

Policy statement

Ghyll Royd Early Years Foundation Stage recognises that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- It is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- Not sharing it could be worse than the outcome of having shared it.

The decision would be made by the Headteacher. The three critical criteria are:

Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.

- Where there *is reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the 7 golden rules for information sharing as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2018)*.

1. Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.

2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and upto-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose

In our setting we:

- Record concerns and discuss these with the setting's *designated person* and/or *designated officer* for child protection matters. We record

decisions made and the reasons why information will be shared and to whom; and

- We follow the procedures for reporting concerns and record keeping.
- Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.
- Our Child Protection procedure and Record Keeping procedure set out how and where information should be recorded and what information should be shared with another agency when making a referral.

Reasons for decisions to share information, or not, are recorded. Provision for this is set out in our Record Keeping procedure.

Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden.

We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- We may cover this verbally when the child starts or include this in our prospectus.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies given to parents of the forms they sign.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?

- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

If you want to see a copy of the information we hold and share about you then please contact the Headteacher.

If you require more information about how the DfE store and use your information, then please go to the following websites:

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupildata/>

<http://www.teachernet.gov.uk/management/ims/datamanagement/privacynotices/pupildata/thirdpartyorgs/>

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

- Communications Team
Children's Services.
Overseas House
Quay Street
Manchester
M3 3BB

Telephone: 0161 234 7246

Website: <http://www.manchester.gov.uk>

- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Telephone: 0870 000 2288

Appendix 3

For full information on the data we collect, please read our Privacy Notice.