



## **Data Protection Policy – post GDPR Revision**

Footsteps collects and uses personal information about staff, pupils, parents, and other individuals who come into contact with the school. This information is gathered in order 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. Schools also have a duty to issue a Privacy Notice to all pupils/parents, this summary the information held on pupils, why it is held and the other parties to whom it may be passed on.

### **Purpose**

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the GDPR, May 2018, 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 will be 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.

### **Data Protection Principles**

The GDPR, May 2018 establishes eight enforceable principles that must always be adhered to:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes.
3. Personal data shall be adequate, relevant, and not excessive.
4. Personal data shall be accurate and where necessary, kept up to date.
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the GDPR, May 2018.
7. Personal data shall be kept secure - protected by an appropriate degree of security.
8. Personal data shall not be transferred to a country or territory outside the

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European Economic Area unless that country or territory ensures an adequate level of data protection.

### **General Statement**

The school is always committed to maintaining the above principles. Therefore, the school 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 unauthorized 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
- Regularly review what, when and where personal data is stored or processed to ensure compliance with GDPR, May 2018.
- Design and refine a 'data map' which shows clearly what data is held, where it is held, how it is processed, security measures used to prevent unauthorized access and integrity.

Procedures for responding to subject access requests made under the GDPR, May 2018

### **Rights of access to information**

The GDPR grants access rights to individuals for whom data is kept and processed. These are known as Subject Access Requests.

### **Actioning a subject access request**

1. Requests for information must be made in writing, which includes email, and be addressed to Chris Hall, Footsteps Principal. 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 license
  - utility bills with the current address

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- 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 12 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. The response time for subject access requests, once officially received, is 40 days **(not working or school days but calendar days, irrespective of school holiday periods)**.

5. GDPR, May 2018 allows exemptions as to the provision of some information; **Therefore, all information will be reviewed prior to disclosure.**

6. 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 40-day statutory timescale.

7. 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.

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

11. 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.

12. 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.

13. 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 must be used, then registered/recorded mail must be used.

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**Contacts**

If you have any enquires in relation to this policy, please contact Chris Hall, Data Protection Officer for Footsteps, who will also act as the contact point for any subject access requests.

**Complaints**

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

**Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. At Footsteps it is done annually. The policy review will be undertaken by the Principal, Data Protection Officer, or nominated representative.

Further advice and information are available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 0303 123 1113

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