



## General Data Protection Regulation - Data Protection Policy

### **Introduction**

Kidstime @ St Josephs will comply with the demands of the General Data Protection Regulation (GDPR) to be known as the Data Protection Act 2018. Members of staff will gain familiarisation with the requirements of the GDPR either in a staff briefing or as part of their induction. This policy follows guidance issued by the Information Commissioner's Office (ICO) and the Department for Education (DfE). The setting is a Data Controller, as data is processed that is the personal information of pupils, families, staff, visitors and others. The Setting is a Data Processor as it processes data on behalf of other public bodies such as HMRC.

### **Definitions**

Data processing - The acquisition, storage, processing and transmission of data

Data subject - Any identifiable person whose data is processed

Consent - Must be freely given, specific and an unambiguous indication of the subject's wishes. It must be recorded and available to an audit. A person must be 13 years old in order to record their consent.

Cross-border processing - The GDPR covers all EU states and will remain part of UK law. Data cannot be stored beyond the EU and UK borders (the exact borders are those of the European Economic Area)

Sensitive data - The GDPR/ICO requires that particular care is taken with the following data

- Data regarding children
- Health (physical, mental, genetic)
- Ethnicity
- Religion
- Sexuality
- Performance management and trade union membership

Filing system - Any structured set of personal data, however stored in any format (physical or digital) that can be processed.

Personal data breach - A breach of data security leading to the accidental or unlawful destruction, loss, theft, alteration, unauthorised disclosure, destruction, sale or access to any processed data. Data subjects affected by a data breach must be informed of the breach within 72 hours. Breaches must be reported to the ICO within 72 hours. Staff must inform the DPO immediately so that the ICO can be informed within the 72 hours' deadline.

Pseudonymisation - The act of making data anonymous. There must be security between pseudonymised data and any data that could re-identify a person.

Password protection - The act of 'locking' a device or document. The information remains readable beyond the password.

Encryption - The act of encoding all the information beyond a password or code.

Legal basis - The setting decides, and registers with the ICO, upon which legal basis it processes data. It uses the following bases for processing and controlling data

Legal basis: Public Task

- Admissions
- Attendance
- Assessment
- Pupil and staff welfare
- Safe recruitment
- Staff training
- Performance Management

Legal basis: Consent

- Various uses of photographs and moving images
- Trade union membership
- Staff ethnicity, religion and health data (Note the Staff Privacy Statement)
- The use of data to promote the social life of the setting community

Legal basis: Contract

- When processing is required to carry out the performance of a contract

Personal data - Anything that might lead to the identification of a person: name, number, characteristics, photograph, correspondence.

Data portability, data subject access request - Data subjects (or a child's parents) may request access to a copy of all their data. The setting has established an efficient means of accomplishing this task which may not carry a charge and will be completed within 15 working days. Data subjects may request that data is brought up-to-date or made more accurate.<sup>1</sup>

## **Principles**

- Personal data must be processed lawfully, fairly and transparently

- Personal data can only be collected for specific, explicit and legitimate purposes
- Personal data must be adequate, relevant and limited to what is necessary for processing
- Personal data must be accurate and kept up-to-date
- Personal data may identify the data subject only as long as is necessary for processing
- Personal data must be processed in a manner that ensures its security
- Any breaches in data security must be reported to the ICO within 72 hours
- The setting must report any breaches caused by third parties who have access to setting users' data within 72 hours.
- The setting must inform any data subject (person identified in data) where a data breach may have led to the unauthorised access to their personal information.<sup>2</sup>

### **Roles and Responsibilities**

The setting's statements set out in detail how the setting will maintain the security of setting users' data. The Acceptable Use Policies set out the duties of the staff and other setting users in supporting data security. The setting has appointed a Data Protection Officer who has responsibility for overseeing the implementation of this policy and all GDPR related documents. The DPO will monitor compliance, report to the management team and support the setting with updates and interpretations as the GDPR develops. The DPO will liaise between the setting and the ICO and must be informed as soon as is practicable of any personal data security breach. The DPO will support the setting in its communication with settings' users (pupils, families, parents, contractors and visitors) about the setting's GDPR procedures. Data subject requests should be made in writing to the DPO.

The DPO might have to respond to any or all of the following

- Why the data is processed
- On which basis
- Who has seen it
- How long it will be stored for
- Where the data was sourced
- Whether decisions have been based on the data Children below the age of 13 do not have the right to make a subject access request, so requests must be made by parents. The setting may take into account the views of a pupil

The setting's DPO is Ruth Lees telephone number 07903714738

Staff should contact the DPO should they believe that this policy and/or the privacy statements and/or the acceptable use policies are not being followed.

## **Sharing Data**

Personal data may be shared with third parties to

- Protect the vital interests of a child
- Protect the vital interests of a member of staff
- To prevent or support the detection of fraud or other legal proceedings
- When required to do so by HMRC

## **Photographs and moving images**

Consent is requested from parents and staff for the use of images. Letters requesting consent outline the choices that pupils and staff may make for the use of their images.

The setting may seek consent to use photographs for the following purposes:

- To support setting user welfare (identity and security)
- To celebrate achievement within the classroom
- To celebrate achievement within the setting
- To celebrate achievement in the printed press
- To celebrate achievement online

## **The setting's specific data security measures - data protection by design**

A. All IT systems - mobile devices, laptops, tablets, mobile phones and any device capable of processing data, will be password protected.

B. All IT systems will be kept securely; the server and hard disks will be in a locked cabinet and the server room locked when the setting is closed and at other times of reduced security; desktop computers and portable devices will be sited/stored in secure places.

C. Staff are expected to ensure the safety of their allocated setting devices: devices may not be left unattended in cars at any time and they must be kept out of sight if taken home.

D. All passwords must be 'strong;' (at least 8 characters with a mixture of upper and lower case letters, numbers and symbols), the setting will require regular changing of passwords.

E. No passwords will be written down or shared; advice is available on the safe storage of passwords.

F. The setting will devise granulated levels of access as appropriate to staff responsibilities for access to personal data.

G. Devices that are used to process sensitive data and/or are vulnerable to theft will be secured with encryption.

H. All emails containing personal data will use setting systems and be encrypted [setting email accounts / domains to be used].

I. All deleted data will be deleted in a secure manner: physical data will be shredded by Safe Shred and certified. Digital data will be fully deleted with trash / junk emptied regularly. Hard disks no longer required will have the data on them deleted and the deletion certified by YCS Computers.

J. Only data that is necessary for the effective performance of the setting will be processed.

K. Data protection will be integrated into all appropriate policies and procedures (e.g. staff induction).

L. Staff will be updated with any significant interpretations or developments of the GDPR.

M. The setting will have data impact assessments in place to protect vulnerable data subjects and sensitive data.

N. Data contained within an email, or attached to an email, will be transferred to a secure folder and the email deleted.

O. Physical data will be kept securely, having regard to the sensitivity of the data and the vulnerability of the data subject e.g. medical data will be accessible to those who need to support a setting user's needs, but not to others. We will treat all medical information confidentially. Ruth Lees will agree with the parent/carer who should have information about the medical needs of a child. The Medicine Policy should be read alongside this policy.

P. All setting users will handle personal data with care: it will not be left unattended (unattended computers must be locked), setting users will not allow others to oversee personal data (screens must be positioned with care); papers must not be left where others can see them.

Q. All computers that might be used to process data will be set to lock (a screensaver will activate) after 10 minutes of inactivity.

R. Ruth Lees and/or the DPO will approve who and how personal data is stored on mobile devices.

S. All digital data that is stored will be backed up on at least password protected devices in line with the disaster recovery plan.

T. Personally owned devices will not be used for the storage of setting personal data.

### **Data breaches**

All staff must report to a member of the SLT or the DPO any suspected data breaches (the loss, theft, unauthorised access to data etc.) immediately. It will be for the SLT/DPO to decide whether to the suspected data breach warrants reporting to the ICO. NB a data breach would include the accidental sharing of personal data via a wrongly addressed email.

### **Training**

All staff will receive basic training in the requirements of the GDPR. The training will be recorded in the data audit and/or the data processing records. Data protection will form a part of pupils' e-safety education. The setting will keep staff up to date with guidance, changes and interpretations to data protection law.

**Data Protection Impact Assessment**

For the setting's most sensitive data processing activities the setting will have completed a DPIA to ensure that the risk to individuals of a data breach is minimised, as should be the risk to the setting's reputation. Staff involved in processing the setting's most sensitive data will have to record their reading and understanding of the relevant DPIA.

**Monitoring**

The DPO will lead the formal monitoring of the setting's compliance with the GDPR. Every member of staff and governor shares a responsibility to monitor compliance and to report any suspected failures to comply.

**This policy was adopted at a meeting of Kidstime held on**

.....(date)

**Signed on behalf of Kidstime at St Josephs School.....**

**Reviewed by.....Date.....**

Footnotes

1. Data subjects' rights include • The right to be informed • The right of access • The right to object • The right to be forgotten (this might prove impossible in the setting context) • The right of rectification (any inaccurate data must be corrected)
2. In deciding whether to pass on a suspected data breach to the ICO the DPO will consider whether the data breach might affect a person's • Reputation • Confidentiality • Financial wellbeing • A loss of control over their data • Make them vulnerable to discrimination • Their rights and freedoms