KINGSLAND SCHOOL

General Data Protection Regulation Policy



Policy Updated JANUARY 2024

1. Introduction

Kingsland School is committed to the protection, fair and proper use of all information regarding individuals who come into contact with the school. This policy is intended to ensure that the handling of personal and sensitive data will be in line with the General Data Protection Regulation (GDPR) and the Data Protection Act (DPA) 2018.

The GDPR is part of the fundamental right to privacy and the law applies to any 'processing of personal data'. The UK data protection regime is set out in the DPA 2018 and the GDPR (which also forms part of UK law) Guide to the GDPR.

- **Processing** includes collecting, recording, storing, using, analysing, combining, disclosing or deleting data.

- **Data controller** – Wakefield Council is the data controller for Kingsland School and will decide how and why to collect and use the data. They will ensure that the processing of that data complies with data protection law.

- **A processor** is a separate person or organisation (not an employee) who processes data on behalf of the controller and in accordance with their instructions. Processors have some direct legal obligations, but these are more limited than the controller's obligations.

- **A data subject –** is the individual whom the particular personal data is about

- **The Information Commissioners Office (ICO)** - is the supervisory authority for data protection in the UK. They offer advice and guidance, promote good practice, monitor breach reports, conduct audits, consider complaints, monitor compliance and take enforcement action where appropriate. https://ico.org.uk/

The legal bases for processing data are as follows –

(a) Consent: the member of staff/pupil/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 pupil placement contract.

(c) Legal obligation: the processing is necessary for the school to comply with the law (not including contractual obligations)

The members of staff responsible for data protection are mainly the Headteacher, School Business Manager and all other administrative staff. However, it is imperative that all

staff treat all pupil information in a confidential manner and follow the guidelines as set out in this document.

The school is committed to ensuring that its staff are aware of GDPR and the legal requirements and adequate training is provided to them.

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.

2. Personal and Sensitive Data

'Personal data' is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. This may include their race or ethnic origin; political opinions; religious or philosophical beliefs; trade union membership; physical or mental health; an individual's sexual orientation etc.

All data within Kingsland 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.

3.The Data Protection Principles

The following data protection principles of the GDPR shall be applied to all data processed:

- Ensuring that data is fairly and lawfully processed;
- Processing data only for limited purposes;
- Ensuring that all data processed is adequate, relevant and not excessive;
- Ensuring that data processed is accurate;
- Not keeping data longer than is necessary;
- Ensuring that data is secure.

4. Fair Processing / Privacy Notice

Kingsland School will 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 https://ico.org.uk/your-data-matters/your-rightto-be-informed-if-your-personal-data-is-being-used/

All parents and pupils will be sent a copy of the School's Privacy Notice which is located within Appendix 1 of this policy. This Privacy Notice will also be published on the website.

There may be circumstances where the school is required either by law or in the best interests of our pupils 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 or individual outside of our school shall be clearly defined within notifications and details of the basis for sharing given. This data will only be shared if it is relevant information to their external job role or a prior request for the data has been cleared by the Headteacher and/or the School Business Manager. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

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 pupil admissions.

5. Data Security

Kingsland School will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this Policy and their duties under the GDPR.

Kingsland School will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons. All school laptops (both staff and pupil) will have bitlocker level of encryption. Any iPads that are taken off site (e.g. teacher iPads for PPA time or pupil iPads for regulation on school visits) must have a password/code applied in order to gain access to materials on the iPad. Whilst USB sticks

should ideally not be used, where this is necessary they must be encrypted. Staff must log out of any computer system before leaving a device unattended.

6. Notification

Kingsland School's data processing activities will be registered with the Information Commissioner's Office (ICO). Details are available from https://ico.org.uk/

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.

7. Data Access Requests (Subject Access Requests)

All individuals whose data is held by Kingsland School have a legal right to request access to such data or information about what is held.

Kingsland School shall respond to such requests **within one month** of receipt of request however this time limit may be extended by **a further two months** if the request is complex or if the school receives a number of requests from the individual.

Requests for data should be made in writing to:

Headteacher
Kingsland School
Aberford Road
Stanley
WF3 4BA

No charge will 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 Kingsland School to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the new school via the DfE's Schools information transfer system via Common Transfer Files which are heavily encrypted. 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 and wellbeing as a result of the move.

Paper copies of any Child Protection records will be delivered in person to the new setting and signed for by the new setting. Electronic CPOMS (Child Protection Online Management System) records will be transferred electronically using the secure CPOMS system.

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

8. 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.

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.

9. Location of Information and Data

Hard copy data, records, and personal information are stored out of sight and in a locked cabinet. Individual pupil information that staff may require immediate access during the school day will be displayed on classroom walls. This information includes:

- Individual Education Plans
- Individual risk assessments
- Pen portraits
- Bespoke plans/interventions such as medical plans/information, moving and handling plans, feeding plans, behaviour/emotional regulation plans

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.

- School data should ideally be accessed via Sharepoint or One Drive when off site. If this is not possible, it should ideally be downloaded onto the staff member's device or alternatively an encrypted USB stick. The data should not be transferred from this device or stick onto any home or public computers. Work should be edited from the device or USB and saved onto the device or USB only.

- USB sticks that staff use must be encrypted and 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.

10. Data Disposal

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements. This is also 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.

Disposal of IT assets holding data shall be in compliance with ICO guidance: https://ico.org.uk/media/fororganisations/documents/1570/it_asset_disposal_for_organisations.pd f and should:

- ensure that the responsibility of asset disposal is assigned to a member of Kingsland staff with a suitable level of authority;
- complete a full inventory of all equipment that has been marked for disposal;
- be clear about what will happen with devices when the item is no longer needed;
- consider the security vulnerabilities associated with each method of disposal;
- ensure personal data is deleted before recycling devices, so that data is not accessible to others after the device has left Kingsland School's ownership;
- be aware that any specialist service provider used will be considered to be a 'data processor' under the DPA;
- have a written contract in place between Kingsland School and the data processor (MINT Support Services) ensuring that there is an appropriate level of security in place.

The school has identified a qualified source for disposal of IT assets and collections.
The school also uses Russell Richardson who conform to ISO 9001 and BS8470 regulation standards.to dispose of sensitive data that is no longer required.

Data Controller: Kingsland School
Data Protection Officer: School Business Manager
Data Processor: Administration Staff

Appendix 1

Kingsland School Privacy Notice

Privacy Notice (How Kingsland School uses pupil information)

As Kingsland School is a maintained School of Wakefield Council, Wakefield Council is the Data Controller for the use of personal data at Kingsland School. This means that they are in charge of your personal information.

The categories of pupil information that we process include:

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors' information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)
- trips and activities (such as personal identifiers)
- free school meals (identity management / authentication)

Why we collect and use pupil information

The personal data collected is essential for Kingsland School to fulfil their official functions and meet legal requirements. We collect and use pupil information, for the following purposes:

a) to support pupil learning

b) to monitor and report on pupil attainment progress

c) to provide appropriate pastoral care

d) to assess the quality of our services

e) to keep pupils safe

f) to meet the statutory duties placed upon us by the Department for Education.

The GDPR is part of the fundamental right to privacy and the law applies to any 'processing of personal data'. The UK data protection regime is set out in the DPA 2018 and the GDPR (which also forms part of UK law) Guide to the GDPR.

Processing shall be lawful only if and to the extent that at least one of the following applies:

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Collecting pupil information

We collect pupil information via registration forms at the start of the school year and / or Common Transfer File (CTF) or secure file transfer from previous school

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this and we will tell you what you need to do if you do not want to share this information with us.

Storing pupil data

We hold pupil data securely until the pupil reaches the age of 25 or 75 years if the pupil is on the Child Protection Register or a Looked After Child.

Who we share pupil information with

We routinely share pupil information with:

- schools / colleges
- local authorities
- the Department for Education (DfE)
- CAMHS (Child and Adolescent Mental Health Service)
- Social Services
- School Nurses
- IT
- West Yorkshire Police
- Youth Support Services / Careers Advice

Why we regularly share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

All information is transferred securely via Cryptshare or through the DfE Schools to Schools Service via Common Transfer File.

We share pupil data so that the appropriate support, guidance and advice can be tailored to pupils.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current government security policy framework.
For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

Under GDPR, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact:

Business Manager
Kingsland School
Poplar Avenue

Townville
Castleford
WF10 3QJ

Depending on the lawful basis above, you may also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at https://ico.org.uk/concerns/

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice.

Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated in November 2020.

Contact

If you would like to discuss anything in this privacy notice, please contact:

Business Manager
Kingsland School
Poplar Avenue
Townville
Castleford
WF10 3QJ

How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.

- informs ‘short term’ education policy monitoring and school accountability and intervention (for example Pupil Progress measures).
- supports ‘longer term’ research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to https://www.gov.uk/education/data-collection-and-censusesfor-schools

The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the department.

It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to https://www.gov.uk/government/publications/national-pupildatabase-user-guide-and-supporting-information

Sharing by the Department

The law allows the Department to share pupils’ personal data with certain third parties, including:

- schools
- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the Department’s NPD data sharing process, please visit:

https://www.gov.uk/data-protection-how-we-collect-and-share-research-data

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: https://www.gov.uk/government/publications/dfe-external-data-shares

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below: https://www.gov.uk/government/organisations/department-for-education/about/personal-informationcharter

To contact DfE: https://www.gov.uk/contact-dfe

Appendix 2 Freedom of Information Requests

How to make a request

The Freedom of Information Act gives you the right to ask to see or be provided with a copy of any information that any public body holds.

You need to make a request to us in writing.

You can email the Business Manager at: LWhitham-Jefferson@kingsland.wakefield.sch.uk for information held by us or write to:

Business Manager
Kingsland School
Poplar Avenue
Townville
Castleford
WF10 3QJ

What we need to know

Your first and second name, your email address and what information you are looking for.

Please make sure you provide us with your name and address (or email) so that we get back to you as quickly as possible.

Possible charges

Charges may be made for actual disbursements incurred such as:

- Photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Frequently requested information

Before submitting a Freedom of Information request, please check whether the information you are looking for is already available on our website.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.