

# **Hotspur Primary School**

## **Data Protection Policy**

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Agreed by	Full Governing Body

**Hotspur Primary School  
Data Protection Policy**

**1.0 Introduction**

- 1.1 The School's Data Protection Policy has been produced to ensure compliance with the Data Protection Act 2018 (DPA), GDPR and associated legislation, and it incorporates guidance from the Information Commissioner's Office (ICO).
- 1.2 The DPA gives individuals rights over their personal data and protects individuals from the erroneous use of their personal data.
- 1.3 The School is registered with the ICO as a Data Controller for the processing of living individuals' personal information.

**2.0 Purpose**

- 2.1 The School Data Protection Policy has been produced to ensure its compliance with the DPA 2018.
- 2.2 The Policy incorporates guidance from the ICO, and outlines the School's overall approach to its responsibilities and individuals' rights under the DPA 2018.

**3.0 Scope**

- 3.1 This Policy applies to all employees (including temporary, casual or agency staff and contractors, consultants and suppliers working for, or on behalf of, the School), third parties and others who may process personal information on behalf of the School.
- 3.2 The Policy also covers any staff and students who may be involved in research or other activity that requires them to process or have access to personal data, for instance as part of a research project or as part of professional practice activities. If this occurs, it is the responsibility of the relevant School to ensure the data is processed in accordance with the DPA 1998 and that students and staff are advised about their responsibilities. In addition, the activity should be referred to the Research Ethics Committee.

**4.0 Data covered by the Policy**

- 4.1 A detailed description of this definition is available from the ICO, however briefly, personal data is information relating to an individual where the structure of the data allows the information to be accessed i.e. as part of a relevant filing system. This includes data held manually and electronically and data compiled, stored or otherwise processed by the School, or by a third party on its behalf.
- 4.2 Sensitive personal data is personal data consisting of information relating to:

**Hotspur Primary School  
Data Protection Policy**

- Racial or ethnic origin;
- Political opinions, Religious beliefs or other beliefs of a similar nature;
- Membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992);
- Physical or mental health or condition;
- Sexual life;
- Commission or alleged commission of any offence; and/or
- Any 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.

## **5.0 The Six Data Protection Principles**

5.1 The DPA 2018 requires the School, its staff and others who process or use any personal information must comply with the six data protection principles.

5.2 The principles require that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met;
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose;
- Be adequate, relevant and not excessive for those purposes;
- Be accurate and kept up to date;
- Not be kept for longer than is necessary for those purpose; and
- Be processed in accordance with the data subject's rights.

## **6.0 Responsibilities**

6.1 The School has an appointed Data Protection Officer to handle day-to-day issues which arise, and to provide members of the School with guidance on Data Protection issues to ensure they are aware of their obligations.

6.2 All new members of staff will be required to complete a mandatory information governance module as part of their induction and existing staff will be requested to undertake refresher training on a regular basis.

6.3 Employees of the School are expected to:

- Familiarise themselves and comply with the six data protection principles;
- Ensure any possession of personal data is accurate and up to date;
- Ensure their own personal information is accurate and up to date;
- Keep personal data for no longer than is necessary;
- Ensure that any personal data they process is secure and in compliance with the School's information related policies and strategies;

## Hotspur Primary School Data Protection Policy

- Acknowledge data subjects' rights (e.g. right of access to all their personal data held by the School) under the DPA 2018, and comply with access to records;
- Ensure personal data is only used for those specified purposes and is not unlawfully used for any other business that does not concern the School;
- Obtain consent with collecting, sharing or disclosing personal data; and
- Contact [DPO@gateshead.co.uk](mailto:DPO@gateshead.co.uk) or telephone 0191 4332192 for any concerns or doubt relating to data protection to avoid any infringements of the DPA 2018.

### **7.0 Obtaining, Disclosing and Sharing**

- 7.1 Only personal data that is necessary for a specific School related business reason should be obtained.
- 7.2 Pupils and their parents are informed about how their data will be processed when they agree to the Data Processing Consent Notice upon registration.
- 7.3 Upon acceptance of employment at the School, members of staff also consent to the processing and storage of their data.
- 7.4 Data must be collected and stored in a secure manner.
- 7.5 Personal information must not be disclosed to a third party organisation without prior consent of the individual concerned. This also includes information that would confirm whether or not an individual is or has been an applicant, student or employee of the School.
- 7.6 The School may have a duty to disclose personal information in order to comply with legal or statutory obligation. The DPA 2018 allows the disclosure of personal data to authorised bodies, such as the police and other organisations that have a crime prevention or law enforcement function. Any requests to disclose personal data for reasons relating to national security, crime and taxation should be directed to Jennifer Marshall via e-mail at [jennifer.marshall@newcastle.sch.uk](mailto:jennifer.marshall@newcastle.sch.uk).
- 7.7 Personal information that is shared with third parties on a more regular basis shall be carried out under written agreement to stipulate the purview and boundaries of sharing. For circumstances where personal information would need to be shared in the case of ad hoc arrangements, sharing shall be undertaken in compliance with the DPA 2018.

### **8.0 Retention, Security and Disposal**

**Hotspur Primary School  
Data Protection Policy**

- 8.1 Recipients responsible for the processing and management of personal data need to ensure that the data is accurate and up-to-date. If an employee, applicant, pupil or their parent, is dissatisfied with the accuracy of their personal data, then they must inform the DPO at [DPO@gateshead.co.uk](mailto:DPO@gateshead.co.uk).
- 8.2 Personal information held in paper and electronic format shall not be retained for longer than is necessary. In accordance with principle 2 and principle 4 of the DPA 2018, personal information shall be collected and retained only for business, regulatory or legal purposes.
- 8.3 In accordance with the provisions of the DPA 2018, all staff whose work involves processing personal data, whether in electronic or paper format, must take personal responsibility for its secure storage and ensure appropriate measures are in place to prevent accidental loss or destruction of, or damage to, personal data.
- 8.4 In accordance with the School's Flexible Working Scheme, staff working from home will be responsible for ensuring that personal data is stored securely and is not accessible to others.
- 8.5 All departments should ensure that data is destroyed in accordance with the Retention Schedule when it is no longer required.
- 8.6 Personal data in paper format must be shredded or placed in the confidential waste bins provided. Personal data in electronic format should be deleted, and CDs and pen drives that hold personal data passed to your I.T provider for safe disposal. Hardware should be appropriately degaussed in compliance with your I.T service provider contract and conforms with DPA and GDPR requirements.
- 9.0 Transferring Personal Data**
- 9.1 Any transfer of personal data must be done securely in line with the School's Information Security Policy.
- 9.2 Email communication is not always secure and sending personal data via external email should be avoided unless it is encrypted with a password provided to the recipient by separate means such as via telephone.
- 9.3 Care should be taken to ensure emails containing personal data are not sent to unintended recipients. It is important that emails are addressed correctly and care is taken when using reply all or forwarding or copying others in to emails. Use of the blind copy facility should be considered when sending an email to multiple recipients to avoid disclosing personal information to others.
- 9.4 Personal email accounts should not be used to send or receive personal data for work purpose.

## **10.0 Data Subjects Right of Access (Subject Access Requests)**

- 10.1 Under the DPA 2018, individuals (both staff and pupils and their parents) have the right of access to their personal data held by the School. This applies to data held in both paper and electronic format, and within a relevant filing system.
- 10.2 The School shall use its discretion under the DPA 2018 to encourage informal access at a local level to a data subject's personal information, but it will also have a formal procedure for the processing of Subject Access Requests.
- 10.3 Any individual who wishes to exercise this right should make the request through submitting a Subject Access Request Form. This is available on the School website at **[www.hotspurprimary.co.uk](http://www.hotspurprimary.co.uk)** or by contacting Jennifer Marshall, at [jennifer.marshall@hotspur.newcastle.sch.uk](mailto:jennifer.marshall@hotspur.newcastle.sch.uk).
- 10.4 The School may not charge a fee. It will only release any information upon receipt of the completed Subject Access Request Form, along with proof of identity or proof of authorisation where requests are made on the behalf of a data subject by a third party. The requested information will be provided within the statutory timescale of 1 month from receipt of the completed form.

## **11.0 Information Security**

The school undertakes to ensure security of personal data by the following general methods:

- 11.1 Overall security policy for data is determined by the Headteacher and is monitored and reviewed regularly. Any concerns or queries about security of data should in the first instance be referred to the Headteacher.
- 11.2 Only authorised persons are permitted to access the School's Management Information Systems. Personal information held on the Management Information Systems is password protected and access limited to specific staff members. Personal information held on computer systems should be adequately password protected. Information should never be left up on a screen if the computer is unattended.
- 11.3 Disks and printouts are locked away securely when not in use. Security software is installed on all computers containing personal data. Only authorised users are allowed access to the network and password changes are regularly undertaken. Computer files are backed up (i.e. security copies are taken) regularly.
- 11.4 All manual personal data will be kept in lockable filing cabinets which are kept locked when the room is unattended. Personal information should not be left on a desk where anyone could see it.

**Hotspur Primary School  
Data Protection Policy**

- 11.5 Archived information should be stored in a lockable area.
- 11.6 Where possible personal information should not be sent by e-mail as its security cannot be guaranteed. Where possible use a 'safe haven' fax. Never send personal information in the text of an email, if necessary make sure the information is in an MS Office document attached to the e-mail. When posting information ensure the envelope is sealed.
- 11.7 Be careful of giving out personal information over the telephone, unless approved by a senior member of staff; invite the caller to put the request in writing. If the request is urgent take the caller's name and switchboard telephone number and verify their details before responding.
- 11.8 Do not discuss other people's personal business in public areas where conversations can be overheard by people with no right to know the details of the information.
- 11.9 Appropriate building security measures are in place, such as alarms, window locks etc. Visitors to the school are required to sign in and out, to wear identification badges whilst in the school and are, where appropriate, accompanied.

## **12.0 Reporting a Data Security Breach**

- 12.1 It is important the School responds to a data security breach quickly and effectively. A breach may arise from a theft, a deliberate attack on School systems, unauthorised use of personal data, accidental loss or equipment failure. Any data breach should be reported to the Data Protection Officer at [DPO@gateshead.co.uk](mailto:DPO@gateshead.co.uk) and if it relates to an IT incident (including information security), should also be reported to the Headteacher and in certain circumstances to your I.T. provider – please refer to the Data breach reporting policy for more information.
- 12.2 Any breach will be investigated in line with the procedures within the Data Breach Policy. In accordance with that Policy, the School will treat any breach as a serious issue. Each incident will be investigated and judged on its individual circumstances and addressed accordingly.

**Hotspur Primary School  
Data Protection Policy**

**APPENDIX 1**

<b>Section 1: Notification of Data Security Breach</b>	<b>To be completed by member of the Leadership Team reporting incident</b>
Date incident was discovered:	
Date(s) of incident:	
Place of incident:	
Name of person reporting incident:	
Contact details of person reporting incident (email address, telephone number):	
Brief description of incident or details of the information lost:	
Number of Data Subjects affected, if known:	
Has any personal data been placed at risk? If, so please provide details:	
Brief description of any action taken at the time of discovery:	
<b>For use by the Data Protection Officer</b>	
Received by:	
On (date):	
Forwarded for action to:	
On (date):	

**Hotspur Primary School  
Data Protection Policy**

<b>Section 2: Assessment of Severity</b>	<b>To be completed by the Lead Investigation Officer (with school and NCC ICT Services)</b>
Details of the IT systems, equipment, devices, records involved in the security breach:	
Details of information loss:	
What is the nature of the information lost?	
How much data has been lost? If laptop lost/stolen: how recently was the laptop backed up onto central IT systems?	
Is the information unique? Will its loss have adverse operational, research, financial legal, liability or reputational consequences for the School/Academy or third parties?	
How many data subjects are affected?	
Is the data bound by any contractual security arrangements?	
What is the nature of the sensitivity of the data? Please provide details of any types of information that fall into any of the following categories:	
<b>HIGH RISK</b> personal data <ul style="list-style-type: none"> <li>• Special Category data (as defined in</li> </ul>	

**Hotspur Primary School  
Data Protection Policy**

<p>the Data Protection Act) relating to a living, identifiable individual's</p> <ul style="list-style-type: none"> <li>a) Racial or ethnic origin;</li> <li>b) Political opinions or religious or philosophical beliefs;</li> <li>c) Membership of a trade union;</li> <li>d) Physical or mental health or condition or sexual life;</li> <li>e) Biometric data</li> </ul>	
<ul style="list-style-type: none"> <li>• Information that could be used to commit identity fraud such as; personal bank account and other financial information; national identifiers, such as National Insurance Number and copies of passports and visas;</li> </ul>	
<ul style="list-style-type: none"> <li>• Personal information relating to parents, staff and children</li> </ul>	
<ul style="list-style-type: none"> <li>• Detailed profiles of individuals including information about work performance, salaries or personal life that would cause significant damage or distress to that person if disclosed;</li> </ul>	
<ul style="list-style-type: none"> <li>• Spreadsheets of marks or grades obtained by students, information about individual cases of student discipline or sensitive negotiations which could adversely affect individuals</li> </ul>	
<ul style="list-style-type: none"> <li>• Security information that would compromise the safety of individuals if disclosed.</li> </ul>	

**Hotspur Primary School  
Data Protection Policy**

<b>Section 3: Action taken</b>	<b>To be completed by Data Protection Officer and/or Lead Investigation Officer</b>
Incident number	e.g. year/001
Report received by:	
On (date):	
Action taken by responsible officer/s:	
Was incident reported to Police?	Yes/No If YES, notified on (date):
Follow up action required/recommended:	
Reported to Data Protection Officer and Lead Officer on (date):	
Reported to other internal stakeholders (details, dates):	
<b>For use of Data Protection Officer and/or Lead Officer:</b>	
Notification to ICO	YES/NO If YES, notified on: Details:
Notification to data subjects	YES/NO If YES, notified on: Details:
Notification to other external, regulator/stakeholder	YES/NO If YES, notified on: Details: