



Hillside Nursery School

Data Protection Policy

About this policy

Everyone has rights with regard to the way in which their personal data is handled. During the course of the School's activities it collects, stores and processes personal data about staff, pupils, their parents, suppliers and other third parties, and it is recognised that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful business operations.

Those who are involved in the processing of personal data are obliged to comply with this Policy when doing so. Any breach of this Policy may result in disciplinary action.

This Policy sets out the basis on which the school will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources. It does not form part of any employee's contract of employment and may be amended at any time.

The following policy relates to all Hillside Nursery School employees (including voluntary, temporary, contract and seconded employees), who capture, create, store, use, share and dispose of information on behalf of Hillside Nursery School.

These persons shall be referred to as 'Users' throughout the rest of this policy.

Hillside Nursery School shall be referred to as 'the school' or 'we' throughout the rest of this policy.

The following policy relates to all electronic and paper based information.

Statement of Commitment

In order to undertake our statutory obligations effectively, deliver services and meet customer requirements, the school needs to collect, use and retain information, much of which is personal, sensitive or confidential.

Such information may be about:

- Pupils;
- Parents and Guardians;
- Governors;
- Employees or their families;
- Members of the public;
- Business partners;
- Local authorities or public bodies.

We regard the lawful and correct treatment of personal data by the school as very important to maintain the confidence of our stakeholders and to operate successfully.

To this end, the school will ensure compliance, in all its functions, with the Data Protection Act (DPA) 1998, the General Data Protection Regulation (GDPR) and the new Data Protection Act (DPA) 2018, and with other relevant legislation.

General Statement of Duties

The School is required to process relevant personal data regarding individuals as part of its operation and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data.

Data Protection Officer

The School has appointed the bursar, (overseen by the head teacher) as Data Protection Officer (DPO), who will endeavor to ensure that all personal data is processed in compliance with this Policy and the principles of the Act. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the DPO.

Data Protection Principles

The Principles of DPA and GDPR state that personal information must be:

Processed lawfully, fairly and in a transparent manner in relation to individuals; the lawful basis can be:

- Consent of a data subject;
- Processing is necessary for the performance of a contract with the data subject;
- Processing is necessary for compliance with a legal obligation (e.g. The Education Act 1996, School Standards and Framework Act 1998, Education Act 2002, Children and Families Act 2014);
- Processing is necessary to protect the vital interests of the data subject or another person (e.g. life or death);
- Processing is necessary for the performance of a task carried out in the public interest.

Types of Personal Data Processed by the School

Personal data covers both facts and opinions about an individual. The School may process a wide range of personal data about individuals including current, past and prospective pupils and their parents as part of its operation, including, by way of example:

- Names, addresses, telephone numbers, email addresses and other contact details;
- Past, present and prospective pupils' admissions and attendance records;
- Where appropriate, information about individuals' health, and contact details for their next of kin;
- References given or received by the School about pupils, and information provided by previous educational establishments and/or professional or organisations working with pupils;

- Images of pupils (and occasionally other individuals) engaging in School activities, and images captured by the School's CCTV system (in accordance with the School's policy on taking, storing and using images of children);
- Generally the School receives personal data from the individual directly (or, in the case of pupils, from parents). However in some cases personal data may be supplied by third parties (for example another School, or other professionals or authorities working with that individual), or collected from publicly available resources.

Use of Personal Data by the School

The School will use (and where appropriate share with third parties) personal data about individuals for a number of purposes as part of its operations, including as follows:

- For the purpose of pupil selection and to confirm the identity of prospective pupils and their parents;
- To provide education services(including SEN), career services and extra-curricular activities to pupils, monitor pupils progress, educational needs and maintaining relationships with alumni and the school community;
- For the purposes of management planning and forecasting, research and statistical analysis, and to enable the relevant authorities to monitor the School's performance;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history to/from educational institution that the pupil has attended or where it is proposed they attend;
- To enable pupils to take part in national or other assessments, and to publish the achievements of pupils of the School;
- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care and to take appropriate action in the event of an emergency or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so, for example for medical advice, insurance purposes or to organisers of School Trips;
- To monitor (as appropriate) use of the School's IT and communications systems in accordance with the School's Computing and Acceptable Use and E-safety policy;
- To make use of photographic images of pupils in School publications, on the School website and (where appropriate) in accordance with the School's policy on taking, storing and using images of children;
- To make use of photographic images of pupils in School publications, on the School website and (where appropriate) in accordance with the School's policy on taking, storing and using images of children;
- For security purposes, and for regulatory and legal purposes (for example safeguarding and child protection and health and safety) and to comply with its legal obligations;
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

Keeping in Touch and Supporting the School

The School will use the contact details of Parents, alumni and other members of the School community to keep them updated about the activities of the School, including by sending updates and newsletters, by text, by email and by post. Unless the relevant individual objects, the School may also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the School community;
- Contact parents by post, text and email in order to promote and raise funds for the School and, where appropriate, other worthy causes;
- Should you wish to limit or object to any such use, or would like further information about them, please contact the DPO in writing.

Sensitive Personal Data

The School may occasionally need to process sensitive personal data regarding individuals. Sensitive personal data includes information about an individual's physical or mental health, race or ethnic origin, political or religious beliefs, sex life, trade union membership or criminal records and proceedings. The consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed. Staff should contact the DPO/Headteacher for more information on obtaining consent to process sensitive personal data.

The lawful basis for sensitive personal data is:

- Explicit consent of the data subject;
- Processing is necessary for carrying out obligations under employment, social security or social protection law;
- Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent;
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members and provided there is no disclosure to a third party without consent;
- Processing relates to personal data manifestly made public by the data subject;
- Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity;;
- Processing is necessary for reasons of substantial public interest;
- Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services;
- Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices;
- Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1);

- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- Accurate and, where necessary, kept up to date;
- 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;
- Processed in a manner that ensures appropriate security of the personal data against unauthorised processing, accidental loss, destruction or damage, using appropriate technical or organisational measures.

Compliance with the Data Protection Principles and Data Protection Legislation

In order to comply with these principles and meet all data protection obligations as stipulated in data protection legislation, the school will:

- Raise awareness of data protection across the school;
- Offer data protection training to all employees and governors;
- Create a data protection policy for the school that is updated annually;
- Complete a personal data processing audit, which lists the following:
 - Name of the personal data set
 - Purpose for processing this personal data set
 - Who the data set is shared with
 - Is the data transferred to another country
 - How long do you keep the personal data set (retention)
 - The technical and organisational security measures to protect the personal data set
 - The legal basis for processing as described above (1).
 - If consent is the legal basis for processing, details of the evidence of this consent
- Put any risks found from the personal data processing audit process into a risk register;
- Review the school's consent forms so they meet the higher standards of GDPR, create an audit trail showing evidence of consent;
- Under 13's can never themselves consent to the processing of their personal data in relation to online services, this rule is subject to certain exceptions such as counselling services;
- Register with the Information Commissioners Officer as a data controller;
- Appoint a data protection officer who will monitor compliance with the GDPR and other data protection laws;
- Create a privacy notice that will let individuals know who we are, why we are processing their data and if we share their data;
- Create a system to allow data subjects to exercise their rights:
 - Right to be informed via a privacy notice.
 - Right of access via a subject access request within 1 month
 - Right of rectification to incorrect data within 1 month
 - Right to erasure unless there is a legal reason for processing their data
 - Right to restrict processing to the bare minimum
 - Right to data portability to receive their data in the format they request

- Right to object to personal data being used for profiling, direct marketing or research purposes
- Rights in relation to automated decision making and profiling
- Amend any business contracts with suppliers to ensure that they will conform to new data protection legislation;
- Implement technical and organisational controls to keep personal data secure;
- Use Privacy Impact Assessments to assess the privacy aspects of any projects or systems processing personal data;
- Ensure an adequate level of protection for any personal data processed by others on behalf of the school that is transferred outside the European Economic Area;
- Investigate all information security breaches, and if reportable, report to the Information Commissioners Office within 72 hours;
- Undertake data quality checks to ensure personal data is accurate and up to date;
- Demonstrate our compliance in an accountable manner through audits, spot checks, accreditations and performance checks;
- Support the pseudonymisation and encryption of personal data;

Rights of the Individual

The list of rights that a data subject (person who the data is about) can exercise has been widened by Section 2 of the GDPR:

Individuals have the right under the Act to access to personal data about them held by the School, subject to certain exemptions and limitations set out in the Act. Any individual wishing to access their personal data should put their request in writing to the DPO. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and, in any event, within statutory time limits. The School may charge an administration fee of up to £10 for providing this information.

It should be noted that certain data is exempt from the right of access under the Act. This may include information which identifies other individuals or information which is subject to legal professional privilege.

A person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils. A pupil of any age may ask a parent or other representative to make a subject access request on their behalf. In line with the GDPR, we recognise the following rights in relation to data:

1. Right to be informed; via privacy notices

2. Right of Access

The right of access; via subject access requests (SARS), the timescale for response has been reduced from 40 calendar days to one calendar month. SARS must be free of charge, charges can only be made for further copies or where requests for information are unfounded or excessive.

3. Right to Rectification

Individuals have the right to obtain rectification of inaccurate personal data and the right to provide additional personal data to complete any incomplete personal data and this must be rectified within one month.

4. Right to Erasure ('Right to be Forgotten')

In certain cases, individuals have the right to obtain the erasure of their personal data and to prevent processing unless we have a legal obligation to do so.

5. Right to Restriction of processing

Individuals have the right to obtain a restriction of processing, applicable for a certain period and/or for certain situations. We can retain just enough information about the individual to ensure the restriction is respected in the future.

6. Right to Data Portability

Individuals have the right to receive their personal data and they have the right to transmit such personal data to another controller. We need to provide individuals with personal data in a structured, commonly used, machine readable form when asked.

7. Right to Object

In certain cases, individuals have the right to object to processing of their personal data, including with regards to profiling. They have the right to object at further processing of their personal data in so far as they have been collected for direct marketing or research purposes.

8. Right in Relation to Automated Decision-Making and Profiling

GDPR provides safeguards for individuals against the risk that a potentially damaging decision is taken solely on automated processing without human intervention.

9. Right to Filing Complaints

In case of a breach of the applicable legislation on processing of (their) personal data, individuals have the right to claim damages that such a breach may have caused with them.

The school will ensure that these rights will be exercised.

Exemptions

Certain data is exempt from the provisions of the Act, including the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School;
- Information which might cause serious harm to the physical or mental health of the pupil or another individual;
- Cases where the disclosure would reveal a child is at risk of abuse;
- Information contained on adoption and parental order records;
- Information given to a court in proceedings under the Magistrates' Court;
- Copies of examination scripts;
- Providing examination marks before they are officially announced.

Unstructured Personal Information

The School will generally not be required to provide access to information held mutually and in an unstructured way.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPO/Headteacher.

Further exemptions may include information which identified other individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege. The School will also treat as confidential and reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any pupil. The School acknowledges that an individual may have the right to access a reference relating to them received by the School. However such a reference will only be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given consent or if disclosure is reasonable in all the circumstances.

Whose Rights?

The rights under the Act are those of the individual to whom the data relate. However, the School will, in most cases rely on parental consent to process data relating to pupils (if consent is required under the Act) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent.

Parents should be aware that in such situations they may not be consulted. In general, the School will assume that pupils consent to disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the School's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the School will maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise; for example where the School believes disclosure will be in the best interests of the pupil or other pupils.

Disclosure of Information

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The School confirms that it will not generally disclose information unless the individual has given consent or one of the specific exemptions under the Act applies. However the School does intend to disclose such data as is necessary to third parties for the following purposes:

- To give a confidential reference relating to a pupil to any educational institution which it is proposed that the pupil may attend
- To give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend
- To publish the results of achievements of pupils of the School

- To disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of School trips

Where the School received a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

Accuracy

The School will endeavour to ensure that all personal data held in relation to an individual is as up-to-date and accurate as possible. Individuals must notify the DPO of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under the Act) and may do so by contacting the DPO in writing.

Timely Processing

Except as required by the Independent Inquiry into Child Sexual Abuse (see below) the School will not keep personal data longer than is necessary for the purpose or purposes for which they were collected and will take all reasonable steps to destroy, or erase from its systems, all data which is no longer required.

Enforcement

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the Act, they should utilise the School's complaints procedure and should also notify the DPO/Headteacher.

Data Security

The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals and to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Act.

The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of or damage to personal data. Accordingly, no member of staff is permitted to remove personal data from School premises, whether in paper or electronic form and wherever stored, without prior consent of the Head or Bursar. Where a member of staff is permitted to take data offsite it must be encrypted.

General Data Protection Regulation (GDPR)

The School is proactively preparing for the introduction of the GDPR which becomes effective in the UK on 25th May 2018. This statement reflects the school's intention to comply with both the DPA and GDPR requirements.

Contact

Contact the Data Protection Officer by:

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Version Control

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Chair of Governors	Mrs Anne Kenyon
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