

A6 Safeguarding

Policy Lead: CEW/KW	Creation Date: 01/11/2016	Revision due: November 2021
Updated:	1.10.18	KLW
	1/10/19	KLW
	2/10/20	KLW



Data Protection Procedure & POLICY

School Tier: College

Related Policies:

POLICY AIMS

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with 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.

1. General Statement of the College's Duties

Worksop College 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 Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

2. Data Protection Controller

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The College has appointed a Data Protection Officer (DPO) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the principles of GDPR.

3. The GDPR Principles

The GDPR sets out seven key principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

These principles lie at the heart of your approach to processing personal data.

PUPILS, PARENTS AND GUARDIANS - INFORMATION

4. Personal Data

Personal information is defined as any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

The College may process a wide range of personal data about pupils, their parents or guardians as part of its operations. This personal data may include (but is not limited to): names, and addresses, bank details, academic, disciplinary, admissions and attendance records, references, examination scripts and marks.

Special categories of personal data is identified as personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. The College also collects some of this data for use internally and for census collation.

5. Processing of Personal Data

Processing – any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

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Consent may be required for the processing of personal data, and if the processing is necessary for the College to undertake its obligations to pupils and their parents or guardians, any information which falls under the definition of personal data and is not otherwise exempt will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this policy.

6. Sensitive Personal Data

The College may, from time to time, be required to process sensitive personal data regarding pupils or their parents/guardians. This sensitive personal data includes medical information and the data relating to religion, race or criminal records or proceedings. Where sensitive personal data is processed by the College the explicit consent of the appropriate individual will generally be required in writing.

7. Biometric Data

Biometric data is personal information about an individual's behavioural or physical characteristics that can be used to identify them; these can include fingerprints. All biometric data is considered by the Information Commissioner to be personal data as defined by the GDPR. Therefore, biometric data must be obtained, used and stored in accordance with this. In addition, the College must adhere to the provisions of Protection of Freedoms Act 2012 that relate to the use of biometric data as part of an automated biometric recognition system.

8. Processing of Biometric Data

The College will ensure that each parent is notified prior to their intention to use pupil's biometric data. Written consent must be obtained from at least one parent before biometric data is taken from the pupil and used. This will apply to all pupils under the age of 18 and no biometric data will be processed without written consent.

The College will not process biometric data of a pupil if: the pupil declines to participate, no parental consent is obtained or either parent objects in writing regardless of prior written consent given. The College will provide alternative means for pupils to access services where consent has not been given or obtained.

The processing of biometric data may include the holding, recording, obtaining or any operation on the data that includes: altering, deleting, organising and disclosing the data. When the pupil leaves the College their biometric data will be securely deleted.

9. Photographs

To ensure compliance with the GDPR, pupils whose photographs are taken for official College use may be used without specific consent, as long the College has indicated their intentions. Photographs or videos taken for personal use by parents and guardians are exempt from the GDPR.

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10. CCTV

CCTV will be used to monitor activities within the school and its grounds. It will be used for the purpose of safeguarding the pupils, staff, visitors and the College. The College will ensure the CCTV system is compliant with the GDPR. The digital images recorded of a recognisable person will be treated as personal data and therefore will be processed according to the GDPR. Access to such images can be requested in subject access requests as outlined below.

Viewing of images from the CCTV will be restricted to staff who need access in line with the purpose of the system. Any release of such images to third parties will only be made in accordance with the purpose of the system.

11. Subject access request

The GDPR gives individuals the right of access to information held by the College about them. Any individual wishing to access their personal data should put their request in writing to the DPO. The College will endeavour to respond to any such written request as soon as is reasonably practicable and in any event within 40 days for access to records and 21 days to provide a reply to an access to information request (the College will charge an administration fee, depending on the volume of data requested, for providing this information).

Certain data is exempt from the right of access under the GDPR and this may include information which identifies other individuals, information which the College reasonably believes is likely to cause either damage or distress and information which is subject to legal professional privilege. The College is not required to disclose any pupil examination scripts.

The College will also treat as confidential any reference given by the College for the purpose of the education, training or employment of any pupil. The College acknowledges that an individual may have the right to access a reference relating to them received by the College. However, such a reference will only be disclosed if such disclosure will not identify the source of the reference, where notwithstanding this the referee has given their consent, and where disclosure is reasonable in all the circumstances.

12. Whose rights

The rights under the GDPR are those of the individuals to whom the data relates. The College will however, in most cases rely on parental consent to process data relating to pupils unless, given the nature of the processing in question and the pupils age and understanding, it is unreasonable in all the circumstances to rely on the parents' consent. Parents should be aware that in such situations they may not be consulted.

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The College will only grant a pupil direct access to his/her personal data, if in the College's reasonable belief that a pupil understands the nature of the request. Pupils agree that the College may disclose their personal data to their parents or guardian. 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 his/her parents or guardian. The College will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the College believes disclosure will be in the best interests of the pupil or other pupils.

13. Exemptions

The GDPR contains a number of exemptions to our duty to disclose personal data and the College may seek legal advice if it considers that they might apply. Certain data is exempted from the provisions of the GDPR, which includes data used for the following:

- The prevention or detection of crime
- The assessment of any tax or duty
- Where the processing is necessary to exercise the right or obligation confirmed or imposed by the law upon the College
- Information covered by legal professional privilege

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

14. Disclosure of information

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

- To give a confidential reference relating to the pupil to any educational institution which is proposed that the pupil may attend.
- To give a confidential reference relating to the pupil to a prospective employer who seeks a reference.
- 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 public examinations or other achievements of pupils of the College.

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- To disclose details of a pupil medical record where it is in the pupil's interest to do so. For example for medical advice insurance purposes or to the organisers of College trips.
- Where the College receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

15. Use of Personal Information by the College

The College will, from time to time, make use of personal data relating to pupils/former pupils, their parents or guardians: The College will make use of photographic images of pupils in College publications and on the College Website. However, the College will not publish a photograph of an individual pupil with their names on the College Website without the express agreement of the appropriate individual. It will further use personal data for College fundraising, marketing or promotional purposes and to maintain relationships with pupils of the College, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contacts with pupils/former pupils or for fundraising, marketing or promotional purposes. Should any parent/former pupil wish to limit or object to any such use, they should notify the DPO or Director of Marketing in writing.

16. Accuracy

The College will endeavour to ensure that all personal data held in relation to an individual is accurate. 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 either erased or corrected.

17. Security

The College will take reasonable steps to ensure that members of staff will only have access to the personal data relating to the 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 GDPR. The College will ensure that all personal information is held securely and is not accessible to unauthorised persons.

18. Enforcement

If an individual believes that the College has not complied with this policy or acted otherwise than in accordance with the GDPR they should utilise the College's Complaints Procedure. If they remain dissatisfied, they have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted as follows:

Information Commissioner's Office

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Wycliffe House
Water lane
Wilmslow
Cheshire
SK9 5AF

19. Further information

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk

STAFF - INFORMATION

20. Personal Data

The College is required to process relevant personal data regarding teaching and nonteaching staff as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

Personal data covers both facts and opinions about an individual. It includes information necessary for employment such as an employee's name and address and details for payment of salary.

21. Processing of Personal Data

A member of staff's consent may be required for the processing of personal data unless processing is necessary for the performance of the contract of employment. Any information, which falls under the definition of personal data and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of that member of staff.

22. Sensitive Personal Data

The College may, from time to time, be required to process sensitive personal data regarding a member of staff. Sensitive personal data includes medical information and data relating to religion, race, trade union membership and criminal records and proceedings. Where sensitive personal data is processed by the College, the explicit consent of the member of staff will generally be required in writing.

23. Rights of Access to Information

All staff have a right of access to information held by the College. Any member of staff wishing to access their personal data should put their request in writing to the DPO. The College will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 40 days for access to records and

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21 days to provide a reply to an access to information request. The information will be imparted to the member of staff as soon as is reasonably possible after it has come to the College's attention.

24. Exemptions

Certain data is exempted from the provisions of the GDPR, which includes data used for 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 College.

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

25. Disclosure

The College may receive requests from third parties to disclose personal data it holds about a member of staff. The College confirms that it will not generally disclose information unless the individual has given their consent or one of the specific exceptions under the GDPR applies. However, the College does intend to disclose such data as is necessary to third parties for the following reason:

- To give a confidential reference relating to the member of staff to a prospective employer, with further training institutions and other bodies who seek a professional reference in support of an application.

26. Accuracy

The College will endeavour to ensure that all personal data held in relation to teaching staff is accurate. Members of staff must notify the DPO of any changes to information held about them. A member of staff has the right to request that inaccurate information about them is either erased or corrected.

27. Enforcement

If a member of staff believes that the College has not complied with this Policy or acted otherwise than in accordance with the GDPR, the member of staff may seek recourse through the College's grievance procedure. If they remain dissatisfied, they have the right to refer the matter to the Information Commissioner. The Information Commissioner can be contacted as follows:

Information Commissioner's Office

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28. Further information

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References:

Legal Framework:

General Guidance:

Technological:

Boarding Schools:

Appendix: