Sponsor	**DFO**
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Committee	**Estates**

WOLDINGHAM SCHOOL

DATA PROTECTION POLICY

Contents

1. Data Protection Principles

The Data Protection Act 2018 incorporating the General Data Protection Regulations [GDPR] is based on data protection principles that our school must comply with.
The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

2. Collecting Personal Data

2.1 Lawfulness, Fairness and Transparency

We will only process personal data where we have one of 5 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone against identity theft or protect their reputation
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the pupil is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

2.2 Limitation, Minimisation and Accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's Data Retention and Storage Policy.

3. Sharing Personal Data

We only share personal data with others to fulfil our contractual and legal obligations, if we have a legitimate interest as described in our Privacy Notice or we have gained explicit consent to do so. Examples of when we may share data are:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, catering contractors and travel companies. When doing this, we will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
    - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
    - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us
- The school may use a third party to gather information about individuals from publicly available sources – for example, Companies House, the Electoral Register and the media – to help understand more about the individual and their ability to support us.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Who Does What

4. The Data Controller

Woldingham School processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore Woldingham School is a data controller.

Woldingham School is registered as the data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and Responsibilities

This policy applies to **all staff** employed by Woldingham School, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations and has a nominated role responsible for Data Protection.

5.2 Privacy Officer

The Privacy Officer (PO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The PO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Full details of the PO's responsibilities are set out in their job description.

Our PO is currently the DFO and is contactable via privacy@woldinghamschool.co.uk or 01883 654202.

5.3 Director of Finance, Resources and Operations [DFO]

The DFO acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the PO in the following circumstances:
    - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
    - If they have any concerns that this policy is not being followed

- If they are unsure whether, or not, they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

6. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow the procedure set out in Annex D.

7. Training

All staff and governors are required to undertake data protection training as part of their induction process and then annually to stay up to date with any changes to Data Protection law and school policies.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

8. Links with other policies

This data protection policy supports our other policies including:

- Safeguarding and Child Protection policy
- ICT Acceptable Use (Staff) policy
- ICT Acceptable Use (Student) policy
- Admissions policy
- Data Retention and Storage policy
- Recruitment, Selection and Disclosure policy
- Security, Access, Workplace Safety and Lone Working policy

Annexes

A. Legal Considerations
B. Access to Information.
C. Technical Considerations.
D. Data Breach Management Plan.