



# St Edmundsbury and Ipswich

## Diocesan Multi Academy Trust

### **DATA PROTECTION POLICY**

<b>Date Approved and Minuted</b>	<b>MAT Board</b>	3 November 2022
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## 1. Introduction

- 1.1 The St Edmundsbury and Ipswich Diocesan Multi Academy Trust ("The MAT") and its schools collect and use certain types of personal information about staff, pupils, parents and other individuals who come into contact with the schools, in order to provide education and associated functions. The schools and the MAT may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the Data Protection Act 2018 ("the DPA 2018") and other related legislation. It will apply to information regardless of the way it is used or recorded and applies for as long as the information is held.
- 1.2 From 25<sup>th</sup> May 2018 The General Data Protection Regulation (GDPR) applies from 25 May 2018. This is a piece of EU wide legislation which will determine how people's personal data is processed and kept safe, and the legal rights individuals have in relation to their own data under the provisions of the Data Protection Act 2018 (DPA 2018). It applies to all organisations that process or handle data, including schools, and builds on and strengthens the principles of the DPA 1998.
- 1.3 The DPA 2018 applies to all computerised data and manual files if they come within the definition of a relevant filing system. Broadly speaking, a relevant filing system is one which is readily searchable, and personal information is identifiable within it. As a guide, if a temporary/casual employee in the office could locate personal information about a named individual without additional assistance, then it would be a relevant filing system.
- 1.4 This policy will be updated as necessary to reflect best practice, or amendments made to the DPA 2018 and shall be reviewed every three years.

## 2. Safeguarding

- 2.1 In relation to Safeguarding, GDPR does not prevent, or limit, the sharing of information for the purposes of keeping children safe. Legal and secure information sharing between schools, children's social care and other local agencies is essential for keeping children safe and ensuring they get the support they need. Information can be shared without consent if to gain consent would place a child at risk.
- 2.2 The GDPR and Data Protection Act 2018 place duties on organisations and individuals to process personal information fairly and lawfully; they are not a barrier to sharing information, where the failure to do so would cause the safety or well-being of a child to be compromised. Similarly, human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.

## 3. Personal Data

- 3.1 '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. For example, if asked for the number of female employees, and you only have one female employee, this would be personal data if it was possible to obtain a list of employees from the website. A sub-set of

personal data is known as 'sensitive personal data'. Sensitive personal data is information relating to race or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health, sexual life or the commission of any offence. Sensitive personal data is given special protection.

- 3.2 The MAT and its schools do not intend to seek or hold sensitive personal data about staff or students except where a school has been notified of the information, or it comes to a school's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff and pupils are under no obligation to disclose to the school or the MAT their race or ethnic origin or political beliefs, whether or not they are a trade union member or details of their sexual life (save to the extent that details of marital status and / or parenthood are needed for other purposes e.g. pension entitlements).
- 3.3 The MAT and its school may hold data about religious beliefs of pupils, parents/ carers and members of staff for specific purposes, for example; school admissions, provision of Religious Education, provision of special diets and in support of job applications.
- 3.4 For special categories of personal data, the MAT/school will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.
- Primary Schools – if online services are offered to pupils, such as classroom apps, and consent is relied on as a basis for processing, parental consent will be obtained (except for online counselling and preventive services).
  - Secondary Schools – if online services are offered to pupils, such as classroom apps, and consent is relied on as a basis for processing, parental consent where the pupil is under 13 will be obtained (except for online counselling and preventive services).

Whenever personal data is first collected directly from individuals, they will be provided with the relevant information by data protection law.

#### 4. The Data Protection principles

*(The original eight data protection principles have been replaced, under the GDPR with the following six data protection principles to be followed at all times)*

- 4.1 The six data Protection principles under the GDPR are as follows:
- 1. Lawfulness, Fairness and Transparency** – processing must meet the test prescribed in the GDPR, what is processed must match up with how it has been described and the subject must be aware of what data processing will be completed.
  - 2. Purpose Limitations** – personal data can only be obtained for 'specified, explicit and legitimate purposes'.
  - 3. Data Minimisation** – Data collected on a subject should be 'adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'.

4. **Accuracy** – Data must be 'accurate and where necessary kept up to date'.
5. **Storage Limitations** – Personal data should be 'kept in a form which permits identification of data subjects for no longer than necessary'.
6. **Integrity and Confidentiality** – requires processors to handle data 'in a manner (ensuring) appropriate security of the personal data including protection.'

Under the GDPR, individuals have a right to make a complaint to the supervisory authority and other rights in relation to access and correcting inaccurate data. Individuals should be advised of this right through the MAT/school's Privacy Notice.<sup>1</sup>

<sup>1</sup> All Privacy notices should be clear and in plain language, but particularly those that refer to children's data – so that a child can easily understand.

Consent for processing someone's personal data must be freely given, specific, informed and unambiguous, and a positive affirmation of the individual's agreement. For example, this may be relevant for any contact preferences held for parents and alumni for school fundraising purposes.

The MAT and its schools are committed to maintaining those principles at all times. This means that each school will:

1. Inform parents, staff and others as to the purpose of collecting any information from them, as and when it is asked for.  
Be responsible for checking the quality and accuracy of the information before passing to the MAT.
2. Regularly review the records held to ensure that information is not held longer than is necessary and that it has been held in accordance with the data retention policy.
3. Ensure that when information is authorised for disposal it is done appropriately.
4. Ensure appropriate security measures to safeguard personal information whether that is held in paper files or on their computer system.
5. Share personal information with others only when it is necessary and legally appropriate to do so, ensuring that pupil names are replaced with unique pupil numbers in the records before the data is transferred where appropriate.
6. Set out clear procedures for responding to requests for access to personal information know as subject access in the DPA.
7. Report any breaches of the DPA as soon as they occur, or in any event within 24 hours of the breach coming to an academy's attention. Breaches should be notified to the Chief Executive Officer of the MAT (CEO) in the first instance and the ICO must be notified within 72 hours of data breaches where an individual is likely to suffer some form of damage, such as through identity theft or a confidentiality breach.

## 5 Roles and responsibilities

This policy applies to **all staff** employed by the MAT, its schools, and to external organisations or individuals working on their behalf. Staff who do not comply with this policy may face disciplinary action.

### 5.1 MAT Board of Directors

The MAT Board of Directors has overall responsibility for ensuring that the MAT complies with all relevant data protection obligations.

### 5.2 School Governing Body

The school Local Governing Body has overall responsibility for ensuring that its individual school complies with all relevant data protection obligations.

### 5.3 Data Protection Officer

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

The DPO will provide an annual report of their activities directly to the Board of school's local Directors/School Governing Body and, where relevant, report their advice and recommendations on MAT/school data protection issues.

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

Full details of the DPO's responsibilities are set out in their job description. The DPO is Schools' Choice and is contactable via:

Data Protection Officer: Schools' Choice

Landline: 01473 260700.

Mobile: 07720208841

Email: [sarah.ingram@schoolschoice.org](mailto:sarah.ingram@schoolschoice.org)

### 5.4 Headteacher

The MAT is registered with the ICO as a data controller and will renew this registration annually or as otherwise legally required. The headteacher acts as the representative of the data controller on a day-to-day basis.

### 5.5 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 DPO 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 Breach of any requirement of the DPA**

- 6.1 Any and all breaches of the DPA, including a breach of any of the data protection principles shall be reported as set out in paragraph 7 above.
- 6.2 Once notified the CEO shall assess the extent of the breach, and the potential consequences, and decide whether notification to the Information Commissioner's Office and / or the Charity Commission is necessary.
- 6.3 The CEO shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the MAT's Board of Directors, and a decision made about implementation of those recommendations.

## **7 Use of personal data by the MAT and its Schools**

Each school will hold personal data on pupils, staff and other individuals such as visitors. In each case, the personal data must be treated in accordance with the data protection principles as outlined above.

### **7.1 Pupils**

- 7.1.1 The personal data held regarding pupils includes contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 7.1.2 The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing, together with any other uses normally associated with this provision.
- 7.1.3 The school may make use of limited personal data (such as contact details) relating to pupils, their parents or carers for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the school, but only where the individual (or their parent/carer where appropriate) has freely given clear consent.
- 7.1.4 In particular, a school may;
- Transfer information to any association, society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the school.
  - Make use of photographs of pupils in school publications and on the school's website.
  - Disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where

a pupil may be identified by name when the photograph is published e.g. where a pupil has won an award or has otherwise excelled.

- Make personal data, including sensitive personal data, available to staff for planning curricular or extra-curricular activities.
- Keep the pupil's previous school informed of his / her academic progress and achievements e.g. sending a copy of the school reports for the pupil's first year at the academy to their previous school.

7.1.5 Photographs with names identifying pupils will not be published on a school's website without the express permission of the appropriate individual.

7.1.6 Any wish to limit or object to any use of personal data should be notified to the headteacher of the relevant school in writing – this will be acknowledged by the school in writing. Notice shall then be sent to the MAT. If in the view of the MAT and the school the objection cannot be maintained, the individual will be given written reasons why the MAT and the school cannot comply with his/her request. Parents who do not want their child's photograph or image to appear in any of the academy's promotional material, or be otherwise published, must also make sure that their child knows this.

7.1.7 Pupils, parents and carers should be aware that where photographs or other image recordings are taken by family members or friends for personal use the DPA will not apply, e.g. where a parent takes a photograph of their child and some friends taking part in the academy sports day.

#### a. Staff

7.2.1 The personal data held about staff will include payroll information, contact details, employment history, information relating to career progression, information relating to DBS checks and photographs.

7.2.2 The data is used to comply with legal obligations placed on the MAT and its schools in relation to employment and the education of children in a school environment. The MAT may pass information to other regulatory authorities where appropriate, and may use names and photographs of staff in publicity and promotional material. Personal data will also be used when giving references.

7.2.3 Staff should note that information about disciplinary action may be kept longer than the duration of the sanction. Although treated as 'spent' once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.

7.2.4 Any wish to limit or object to the uses to which personal data is to be put, should be notified to the headteacher and the CEO who will ensure that this is recorded, and adhered to if appropriate. If the MAT and the school is of the view that it is not appropriate to limit the use of personal data in the way specified, the individual will be given written reasons why the MAT and the school cannot comply with their request.

7.2.5 Application forms and other documents relating to recruitment and selection of staff (both in schools and in the central MAT) will be retained securely for 12 months from the date of interview in the case of unsuccessful applicants and for the duration of employment plus 6 years in the case of successful candidates.

#### 7.3 Other individuals



- 7.3.1 The schools and the MAT may hold personal information in relation to other individuals who have contact with the school, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

## **8 Security of personal data**

- 8.1 The school will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or carers where it is necessary for them to do so. The school will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 8.2 Measures will be put in place to show that the MAT/school has integrated data protection into all its data processing activities, including: completing privacy impact assessments where the MAT/school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies.

## **9 Disclosure of personal data to third parties**

- 9.1 The following list includes some of the reasons that the MAT and/or the school will authorise disclosure of personal data to a third party
- To give a confidential reference relating to a current or former employee, volunteer or pupil.
  - For the prevention or detection of crime.
  - For the assessment of any tax or duty.
  - Where it is necessary to exercise a right or obligation conferred or imposed by law upon the MAT and / or the school (other than by obligation imposed by contract).
  - For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings).
  - For the purpose of obtaining legal advice.
  - For research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).
  - To publish the results of public examinations or other achievements of pupils of the school.
  - To disclose details of a pupil's or member of staff's medical condition where it is in the pupil's / member of staff's interests to do so, for example for medical advice, insurance purposes or to organisers of academy trips.
  - To provide information to another educational establishment to which a pupil is transferring.
  - To provide information to the Examination Authority as part of the examinations process.
  - To provide the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government department concerned with national education is the Department of Education (DfE). The examination Authority may also pass information to the DfE.
- 9.2 The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education services as a

whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government departments or agencies strictly for statistical or research purposes.

- 9.3 A school may receive requests from third parties (i.e. those other than the data subject, the school, and employees of the school) to disclose personal data it holds about pupils, their parents or carers, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allow disclosure applies, or where necessary for the legitimate interests of the individual concerned or the school.
- 9.4 All requests for the disclosure of personal data must be sent to the headteacher, who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure. The request should be copied to the MAT, marked for the attention of the Business and Finance Manager.

## **10 Confidentiality of Pupil Concerns**

- 10.1 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 or carers, an school 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 a school believes disclosure will be in the best interests of the pupil or other pupils. The "seven golden rules to sharing information" contained within the DfE Sharing Information document demonstrate good practice. ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419628/Information\\_sharing\\_advice\\_safeguarding\\_practitioners.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf))

## **11 Dealing with a subject access request**

- 11.1 Anybody who makes a request to see their file or their child's file or other personal data held on them is making a subject access request under DPA/GDPR. They should be asked to make their request in writing on the form attached at Appendix A. All information relating to the individual, including that held in day books, diaries and on electronic systems and email should be considered for disclosure.
- 11.2 Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.
- 11.3 Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our academy/ies may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.
- 11.4 Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request (the exception to this is children over 12 with special needs that affect their ability to understand their own

information rights). Therefore, most subject access requests from parents or carers of pupils at our academy/ies may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

- 11.5 A school will only grant pupils access to their personal data, if, in the relevant academy's reasonable belief, the pupil understands the nature of the request.
- 11.6 Any individual, including a child or young person with ownership of their own information rights may appoint another person to request access to their records. In such circumstances the school must have written evidence that the individual has authorised the person to make the application and the headteacher must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- 11.7 Access to records will be refused in instances where an exemption in the DPA applies. For example, information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- 11.8 A subject access request under the DPA must be made in writing on the form attached at Appendix 1 and the school must respond within one month. A school may ask for any further information reasonably required to locate the information.
- 11.9 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where the school does not have their consent, or where seeking consent would not be reasonable, and it would not be appropriate to release the information.
- 11.10 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured / retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.
- 11.11 If an individual discovers that information which a school holds in relation to them is inaccurate or out of date, they should write to the headteacher setting out the inaccuracy, and the accurate position. The headteacher will arrange for the information to be corrected where the school is in agreement that the previous information was inaccurate. If the school disagrees that the information is inaccurate, it will discuss the matter with the individual, but the academy
- 11.12 has the right to retain the original information. If the individual is unhappy with this outcome they have the right to instigate the school's Complaints procedure.

### **Exemptions to access by data subjects**

- 11.13 Confidential references given, or to be given by a school and / or the MAT, are exempt from subject access. The MAT and the school will therefore treat as exempt any reference given by them for the purpose of education, training or employment, or prospective education, training or employment of any pupil, member of staff, or volunteer.

- 11.14 It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.
- 11.15 Examination scripts, i.e. information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.
- 11.16 Examination marks do not fall within an exemption as such. However, the one-month compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the school received the request or 40 days from the announcement of the examination results, whichever is the earlier.
- 11.17 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

### **Repeated requests for access to records**

- 11.18 Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, the DPA allows for access to be refused when the applicant has made repeated requests for information already provided

### **Charging**

- 11.19 The MAT/schools are not able to charge for subject access requests.

## **12 Training**

- 12.1 All staff and governors are provided with data protection training as part of their induction process.
- 12.2 Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

## **13 Monitoring arrangements**

- 13.1 The DPO is responsible for monitoring and reviewing this policy.
- 13.2 This policy will be reviewed every 3 years and shared with the Board of Directors and Local Governing Bodies.

## **14 Links with other policies**

- 14.1 This data protection policy is linked to other policies which are available on the MAT website/individual school websites.

**15 Resources**

- 15.1 The MAT will make available to its schools, resources and information that they may find helpful.

**16 Contact**

- 16.1 If anyone has any concerns or questions in relation to this policy they should contact the MAT Chief Executive Officer via [mat@cofesuffolk.org](mailto:mat@cofesuffolk.org)

**APPENDIX A****St Edmundsbury and Ipswich Diocesan  
Multi Academy Trust**

**St Edmundsbury and Ipswich**  
Diocesan Multi Academy Trust

**REQUEST FOR PERSONAL DATA**

\_\_\_\_\_ CofE Primary School

To			
From: <i>(Name)</i>			
Address			
Date			
I understand that the school has my personal data in its possession. I am writing to request that you provide a copy of all information which you hold about me / my / our child in:			
Name of relevant files			
I understand that the information will be provided within one month of the above date.			
Signed			

**FOR OFFICIAL USE ONLY**

Received By <i>(Name)</i>		Date	
Supplied By <i>(Name)</i>		Date	