



BROUGHTON PRIMARY SCHOOL

DATA PROTECTION POLICY

2021/2022

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¹The Governing Body is free to determine how to implement this policy. Obtain further advice from the Information Commissioner's Office website www.ico.org.uk.

²This document should be reviewed at least every two years

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REVIEW SHEET

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any).

Version Number	Version Description	Date of Revision
1	Original	March 2012
2	Minor changes to Privacy Notices	July 2012
3	Changes Highlighted.	November 2012
4	Reformatted only	February 2014
5	Updated to take account of the DfE model Privacy Notices issued July 2014. NOTE: Appendices C and D have been amalgamated.	July 2014
6	Minor revisions and contact detail changes only to Privacy Notices	July 2015
7	Updated Privacy Notices	December 2016
8	Updated Privacy Notices in line with the GDPR.	October 2017
9	Updated Privacy Notices to reflect DfE revised models published January 2018.	January 2018
10	Major re-write to comply with GDPR	May 2018
11	Updated with revised DfE privacy notices published 16 May 2018 and minor amendment to point 4.7	May 2018
12	Updated to include at Appendix D the DfE model Governor Privacy notice first published July 2018	September 2018
13	Updated to include changes to model Privacy Notices made by DfE October 2018	October 2018
14	Updated to include changes to model Privacy Notices made by DfE December 2018	December 2018
15	Updated to include changes to model Privacy Notices made by DfE August 2019	August 2019
16	Updates: Section 10.5 (data transfers from UK to EEA after 31 January 2020), Updated S9, new S9.2 & new/updated appendices (to make more specific reference to Covid-19 pandemic related use of data, updated consent form (now named Appendix F), updated model privacy notices Appendices B, C and D & new visitor privacy notice Appendix E, new Appendix G Visitor Record Form (old Appendix F renamed to H because it is landscape!))	September 2020
17	Updated to include changes to model Privacy Notices made by DfE September 2021	September 2021

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1. Introduction

The Data Protection Act 2018 came into force on 25 May 2018. The Act, which replaces the 1998 Act, provides a legal framework for data protection in the UK. It is supplemented by the General Data Protection Regulation (GDPR), the legal framework that sets guidelines for the collection and processing of personal information of individuals within the European Union (EU).

The General Data Protection Regulation (GDPR) significantly updates previous Data Protection law to reflect changes in technology and the way organisations collect and use information about people in the 21st century. It regulates the processing of personal data and gives rights of privacy protection to all living persons.

In accordance with the GDPR and DPA, we at Broughton Primary School recognise that we collect and process personal data and because we decide how and why we do that, we are *data controllers*. This means that we have legal obligations to people regarding how we handle their data and manage their privacy and we must register as a data controller with the Information Commissioner's Office (ICO). Anyone can read the details of our ICO notification by going online to <https://ico.org.uk/esdwebpages/search> and entering our registration number. Data controllers are normally organisations and not people although our Head teacher is responsible for everything we do day-to-day and we have appointed a Data Protection Officer (DPO).

Our Data Protection Officer is: Mr P French.

Contact our DPO on 01900 827956 or email them at: pfrench@broughton-pri.cumbria.sch.uk

We recognise that when we process personal data it can involve collecting, recording, organising, storing, altering, retrieving, using, disclosing, restricting, and erasing or destroying it, and there can be risks associated with that processing to the people whose data it is. Failure to adequately protect people's personal information can result in significant, even life-changing harm to some individuals, distress, loss of public trust in us, and legal repercussions including fines and other sanctions.

1.1. Policy purpose

Through this policy we aim to ensure that current and future pupils, staff, volunteers, and other partner organisations can feel confident that our school is a safe and secure place to study or work, and to demonstrate our commitment to protecting the rights and privacy of everyone whose data we handle by setting out:

- our obligations in the context of what we do;
- clear roles, responsibilities, reporting and management structures aimed at protecting people's personal data and their rights;
- clear procedures for handling data to achieve our aim of taking reasonable and proportionate steps to protect people.

1.2. Policy scope and definitions

This policy applies to all governors, trustees, staff and volunteers who handle or have access to personal data regardless of where they are physically working e.g. at home, at another organisation, on trips etc., and to all personal information processed by us or on our behalf. This includes the personal information of our data subjects accessed or used by other organisations which work for or with us e.g. Local Authority workers, contractors, consultants, certain service providers etc. It may also include the personal data of other people which pupils acquire through schoolwork tasks or while at school e.g. survey results, class Christmas card lists, and pupils will have some responsibilities in line with their capacity to understand and follow rules.

The following definitions explain a little more about our approach to personal data:

'Data processors' are third party organisations which process data on our behalf. They make no decisions about how and why they do that, they just do what we ask them to within the terms of our contract.

'Data subjects' are the people about whom we hold data and they fall into several general "categories of person", for example, our workforce and their next of kin; pupils, their next of kin and other professionals involved with them; our contractors (cleaners, caterers, health & safety, other service providers etc.); agency and other partner organisation workers (supply or peripatetic teachers, educational psychologists etc.).

'Personal data' is any manually or digitally recorded information relating to a living person (a data subject) which identifies them e.g. a name, an email address, an identification number, location data, an image, an IP address, or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person and may include facts or opinions about them. Some of this category of personal data will require enhanced security measures such as encryption, password protection and stricter electronic as well as manual access controls e.g. a locked filing cabinet. This will be determined on the basis of a risk assessment of the harm that failing to secure the data might cause e.g. bank details due to the risk of potential fraud; contact information due to potential harassment etc.

'Sensitive personal data' or **'special category data'** includes disability status, sexual orientation, sex life, ethnicity, medical information (both physical and mental health), political, philosophical and religious opinions/beliefs, trade union membership, and details of criminal convictions or allegations. This category of personal data requires enhanced security measures such as encryption, password protection and stricter electronic as well as manual access controls e.g. a locked filing cabinet.

'Pseudonymised personal or sensitive personal data' is information that has been de-personalised but key-coded and it can fall within the scope of the GDPR and this policy depending on how difficult it is to attribute the pseudonym to a particular individual.

'Supervisory Authority' is the body that the European Union requires each member state to appoint independently in their own country to regulate compliance with the GDPR. In the UK this regulatory body is the ICO.

We will make anyone with whom we share the personal data of our data subjects aware of our relevant policy, procedures and expectations at the outset of sharing.

Any breach of this policy, or of the Regulation itself must be reported to our Data Protection Officer and may need to be reported to the ICO as the Supervising Authority for the United Kingdom. The breach could be unlawful and result in legal action or prosecution and regardless of any legal repercussions it may also be actionable under our disciplinary procedures.

This policy will be updated as necessary to reflect improving practice in data management, security and control and to ensure compliance with any changes to relevant legislation.

Associated policies or documents include:

- Overarching Safeguarding Statement
- Child Protection Policy and procedures
- Online Safety Policy and procedures
- Freedom of Information Publication Scheme
- Health and Safety Policy and procedures
- Procedures for Using Pupils' Images
- Whole School Behaviour Policy and procedures
- Staff Code of Conduct

2. Roles and Responsibilities

Our responsibilities as a data controller include:

- Analysing and documenting the types of personal data we hold and their uses.
- Identifying our lawful basis for processing personal data.
- Having procedures which support the rights of the individual.
- Ensuring consent procedures are lawful.

- Implementing and reviewing procedures to detect, report and investigate personal data breaches.
- Storing data in safe and secure ways.
- Assessing risks to individual rights and freedoms should data be compromised.

Staff responsibilities include:

- Understanding their data protection obligations in line with their training and professional duties.
- Checking that their data processing activities comply with our policy and are justified.
- Not using data in any unlawful way.
- Storing data carefully and correctly to avoid breaches of data protection.
- Raising concerns, notifying breaches or errors, and reporting anything suspicious or contradictory to this policy or our legal obligations without delay.

The Data Protection Officer's responsibilities include:

- Keeping Directors updated about data protection responsibilities, risks and issues.
- Reviewing the data protection policy, associated policies and all relevant procedures regularly.
- Arranging data protection training and advice for all staff and others included in this policy.
- Advising on direct marketing issues such as compliance with the law and our policy; how we deal with queries from target audiences or media outlets; and the wording of data protection statements attached to emails and other marketing copy.
- Answering questions on data protection from staff, directors and other stakeholders.
- Responding to individuals such as parents, pupils and employees who want information.
- Checking on and approving of any third parties that handle our data and any contracts or agreements regarding data processing.

The Information Technology Manager's responsibilities include:

- Ensuring all systems, services, software and equipment meet acceptable security standards and can be appropriately filtered and monitored.
- Checking security hardware and software regularly to ensure it is functioning properly and securely.
- Researching relevant third-party services (cloud services, data shredding etc.) that we are considering using.

3. Data Protection Principles

We understand that as a data controller we are responsible for, and need to be able to demonstrate that we comply with the principles set out in Article 5 of the GDPR which requires that:

a). Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals.

We aim to achieve this through carefully considering why we need data before we ask people for it; by publishing our Privacy Notice, implementing it, and reminding people about what it says when we ask for data; and by educating our workforce on what this means for their day-to-day practice.

b). Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.

By keeping our Privacy Notice updated, implementing it, and educating our workforce about what we have and have not agreed to use data for (also in line with requirement a) above), we can ensure we meet this obligation to restrict our processing of personal data. The law does allow us to further process data for archiving purposes in the public interest, or for scientific or historical research purposes or statistical purposes and we have declared that we might do this in our Privacy Notice.

c). Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

We will not seek to collect or process personal data which is not strictly necessary for the reasons we asked to be given it. We keep this in mind when we draft data requests and when irrelevant information is provided we take all reasonable steps to return or erase it.

d). Personal data shall be accurate and, where necessary, kept up to date.

We review and update personal data on a regular basis. It is the responsibility of individuals providing personal data to ensure it is accurate. Individuals should notify us by any reasonable means, but preferably in writing, if their personal data needs to be updated e.g. a change of name or contact details. We will take every reasonable step to ensure that inaccurate personal data (after considering the reasons it is being processed), is erased or rectified without delay, for example, some records are historical and should not be changed.

e). Personal data shall be kept for no longer than is necessary.

We will not retain personal data in a form which allows people to be identified for longer than is necessary to use it for the reasons we asked for it. We employ organisational and technical security measures required by the GDPR in order to safeguard the rights and freedoms of individuals, as well as follow strict information transfer guidelines when we need to move data e.g. when a pupil leaves to attend another school. We hold regular reviews of the data we retain and destroy or archive it in line with guidance in the *'Information Management Toolkit for Schools'* published by the Information Records Management Society.

The law does allow us to retain personal data for archiving purposes in the public interest, or for scientific or historical research purposes or statistical purposes and we have declared that we might do this in our Privacy Notice.

f). Personal data shall be processed in a manner that ensures appropriate security of it.

We understand that our organisational and technical measures to protect data must include protection against unauthorised or unlawful processing and against accidental loss, destruction or damage in the UK, European Union or anywhere else in the world.

We make staff and volunteers aware of their data protection responsibilities and that their duty to preserve confidentiality extends to anywhere that they process the data of our data subjects e.g. at home, on trips etc. and beyond their time of employment with us. See [Section 10.2](#) for more information about the organisational and technological measures we employ to achieve this.

The first principle of data protection is **fair, lawful and transparent processing**, and is the foundation on which everything else is built. We seek to meet the "fair" and "transparent" aspects through our Privacy Notice and we work hard to ensure that all of the personal data we process meets a condition for lawful processing so that we have a lawful basis to carry it out.

3.1. Conditions for the lawful processing of personal data

To process a piece of personal data we must satisfy at least one condition for the lawful processing of personal data from Article 6 of the GDPR set out in the table below.

6(1)(a)	Consent of the data subject.
6(1)(b)	Necessary for the performance of a contract with the data subject or to take steps to enter into a contract.
6(1)(c)	Necessary for compliance with a legal obligation.
6(1)(d)	Necessary to protect the vital interests (life) of a data subject or another person.
6(1)(e)	Necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
6(1)(f)	Necessary for legitimate interests of the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject (<u>not</u> available to processing carried out by public authorities in the performance of their tasks).

We rely on different conditions for the lawful processing of personal data for different things.

To process the personal data of our staff we generally rely on 6(1)(b) i.e. to employ them and provide training, uniform, pay etc. Some pieces of data are processed for other reasons. For example, we use their national insurance number for tax purposes relying on 6(1)(c); we hold their next of kin data relying on 6(1)(d); and we use their image relying on 6(1)(a).

To process the personal data of our pupils we generally rely on 6(1)(e) i.e. to educate them. Some pieces of data are processed for other reasons. For example, we publish their SATs results relying on 6(1)(c) because the law requires us to; we hold their next of kin data relying on 6(1)(d); and we use their image sometimes relying on 6(1)(a).

We rely on different conditions to process different pieces of the personal data of families e.g. 6(1)(b) for their financial details to provide meals, photographs etc.; and 6(1)(d) for their contact details in case their child is ill. We use the same criteria to process the personal data of other individuals such as contractors or Local Authority workers etc. where it applies and most often using 6(2)(b) to work together.

3.2. Conditions for the lawful processing of special categories of data

To process a piece of sensitive personal data we must satisfy at least one condition for the lawful processing of special categories of data from Article 9 of the GDPR set out the table below **as well as** one condition from the previous table.

9(2)(a)	Explicit consent of data subject, unless prohibited by EU/National law.
9(2)(b)	Necessary to meet obligations under employment, social security or social protection law, or a collective agreement.
9(2)(c)	Necessary to protect the vital interests (life) of a data subject or another individual where the data subject is physically or legally incapable of consenting.
9(2)(d)	Processing by a not-for-profit body with political, philosophical, religious or trade union aims if it relates only to members/former members (or those in regular contact for those purposes) & there is no disclosure to third parties without consent.
9(2)(e)	Processing relates to personal data already made public by the data subject.
9(2)(f)	For the establishment, exercise or defence of legal claims or court judicial capacity.
9(2)(g)	Substantial public interest under EU/National law proportionate to the aim pursued and which contains appropriate safeguards.
9(2)(h)	For preventative or occupational medicine; assessing work capacity of an employee, medical diagnosis, providing health & social care or treatment or management of healthcare services under EU/National law or contract with a health professional.
9(2)(i)	For public health e.g. protecting against serious cross-border threats to health or ensuring high standards of healthcare & medicinal products or medical devices.

We rely on different conditions for the lawful processing of sensitive personal data for different things.

To process the sensitive personal data of our staff we rely on 9(2)(b) to check their criminal history before employing them; 9(2)(h) to use their health information to protect them at work; 9(2)(a) to share their health information with support services; 9(2)(i) to report on their health to Public Health England (PHE) or the Health & Safety Executive (HSE) as required; and 9(2)(f) to retain accident and ill-health information in case of a claim for compensation.

To process the sensitive personal data of our pupils we rely on 9(2)(b) in respect of child protection and multi-agency safeguarding work; 9(2)(b) or 9(2)(h) to use their health information to protect them at school; 9(2)(i) to report on their health to PHE or the HSE as required; and 9(2)(f) to retain accident and ill-health information in case of a claim for compensation.

We apply the same criteria to processing the sensitive personal data of families and other individuals such as contractors or Local Authority workers etc. where it applies.

3.3. Deciding which condition to rely on

More than one lawful basis may apply, but we only need **one** basis for each piece of data, and we will rely on what best fits the purpose, not what is easiest. When carrying out a new task or an existing task in a new way, staff should consider the following factors:

- What is the purpose for processing the data?
- Can it reasonably be done in a different way?
- Is there a choice as to whether or not to process the data?
- Who does the processing benefit?
- After selecting the lawful basis, is this the same as the lawful basis the data subject would expect?
- What is the impact of the processing on the individual?
- Are we in a position of power over them?
- Are they a vulnerable person?
- Would they be likely to object to the processing?
- Are we able to stop the processing at any time on request, and have we factored in how to do this?

3.4. Privacy Notices

Our Privacy Notice is an important and necessary way of being transparent and telling governors, parents, pupils and staff what we are doing with their information. To comply with the GDPR it will include:

- Our identity and contact details as the data controller and those of our DPO.
- The purpose of the processing and the lawful basis or bases we are relying on.
- Our, or a third party's legitimate interests in having it.
- The categories of personal data we process.
- Any recipient or categories of recipients of the personal data.
- Details of transfers to third (non EU) countries and the safeguards.
- Retention periods or the criteria used to determine them.
- The existence of each of the data subject's rights.
- The right to withdraw consent at any time, where relevant.
- The right to lodge a complaint with the ICO.
- The sources of personal data and whether they are publicly accessible.
- Whether providing personal data is statutory or contractual and the possible consequences of failing to provide it.
- The existence of any automated decision making, including profiling; how decisions are made, the significance and the consequences.

Our privacy notice relevant to pupils can be found at [Appendix B](#), the one relevant to our workforce at [Appendix C](#), the one relevant to our Directors at [Appendix D](#), and the one relevant to our visitors at [Appendix E](#). They are also made available on our website, on noticeboards, in communications with parents and staff etc.

4. Individuals' rights and how we protect them

We recognise that all data subjects have "qualified rights" so they are not absolute rights in all circumstances. They are qualified by the rights of other individuals and the legal rights of the data controller or processor to conduct their lawful business.

4.1. The right to be informed about the collection and use of their personal data

Our Privacy Notices seek to provide transparency about our collection of personal data; they are published on our website, pinned to noticeboards, and freely available on request from our office; we draw people's attention to what they say when we collect data from them; and we regularly review and update the Notices when necessary, particularly if we have changed what we use the data for and before we start using it for the new reason.

4.2. The right of access to their personal data and relevant supplementary information

This includes:

- confirmation that their data is being processed;
- access to their personal data; and
- other supplementary information which largely corresponds to the information we must provide in our Privacy Notice.

Any of our data subjects (or their chosen representative or a person with parental responsibility for them) can make a Subject Access Request (SAR). Please see [Section 5](#) for our procedure on handling SARs.

4.3. The right to rectification if the information held is inaccurate or incomplete

Every individual has a responsibility under GDPR to provide accurate data. The GDPR does not provide a definition of accuracy, but we generally understand it to mean that personal data is inaccurate if it is incorrect or misleading on matters of fact.

The right to rectification will depend on why we asked for the personal data. For example: a person's name should **not** be changed to their new married name on the Single Central Record (SCR) because the SCR is a record of information correct at the time of recruitment and vetting. A note can be added to ensure the SCR record can be matched to the person in case of a vetting query in future, but the record itself should not be changed.

When we receive a request to change the data we hold, we will take reasonable steps to check that the data is accurate and to rectify it if necessary. This means that the more important it is that the data is accurate, the more effort we will make to correct it. We will take into account arguments and evidence provided by the data subject and anything we have already tried to do to ensure the data is accurate.

We can refuse to comply with a request for rectification if the request is manifestly unfounded or excessive, taking into account whether it is repetitive. We can either request a reasonable fee based on the administrative costs of complying with the request, or we can refuse to deal with the request. We will use ICO guidance and our own information management records to make decisions about this and we will contact the person making the request to inform them of our decision (including any fee payable) and the reasons without undue delay and **within one month**. We do not have to comply with the request until we have received the fee.

As a matter of good practice, we will restrict the processing of the personal data in question while we are verifying its accuracy regardless of whether the data subject asked us to as is their right ([see Section 4.5](#)).

When we have decided whether the data is accurate or not and whether we will change it or not, we will explain our decision to the individual making the request and inform them of their rights to complain to the ICO. We will also make a record of the request and our response similar to the way we handle SARs e.g. date of receipt, the data subject's name, the name and address of requester (*if different*), the rectification requested, our decision, and the date we communicated the decision.

4.4. The right to erasure of personal data

Under Article 17 of the GDPR individuals have a new right to have their personal data erased. This is also known as the "right to be forgotten". There are no rules about how a request should be made e.g. verbally, in writing etc. so all staff are trained to recognise someone trying to exercise this right. The right is not absolute and only applies if:

- the personal data is no longer necessary for the reason we originally collected or processed it;
- we are relying on consent as our lawful basis for holding the data, and the individual withdraws their consent;
- we are relying on legitimate interests as our basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue
- we are processing the personal data for direct marketing purposes and the individual objects;

- we have processed the personal data unlawfully i.e. in breach of the lawfulness requirement of the 1st principle;
- we have to do it to comply with a legal obligation; or
- we have processed the personal data to offer online “information society services” to a child e.g. online counselling, a social media platform we have created and run for children etc. We do not currently provide any such services, we have no plans to, and we work hard to appropriately control children’s access to the social media platforms we use to communicate with our community.

We have to give special consideration to any request for erasure if the processing of the data is solely based on consent given by a child, especially any processing of their personal data (usually images) on the internet. This is still the case when the data subject is no longer a child, because a child may not have been fully aware of the risks involved in the processing at the time of consent. In some circumstances we might need to give more weight to a request for erasure from a child if their parent has already consented to the use of their data e.g. removing pictures from our school website when a parent has consented but the child whose images they are objects. We will need to do this if we are confident that the child understands their rights and the effects on them of their request. For more information about how we decide whether a child understands please see [Section 5](#) on Subject Access Requests.

Unless it is impossible or disproportionate, we have to tell other organisations about erased data if:

- the personal data we erased has been disclosed by us to others; or
- the personal data has been made public in an online environment (for example on social networks, forums or websites).

If we are asked, we should also tell the individual about the other organisations we gave their data to.

The right to erasure does **not** apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research, historical research or statistical purposes where erasure is likely to make achievement of that processing impossible or disproportionately difficult; or
- for the establishment, exercise or defence of legal claims.

There are also two circumstances when the right to erasure does **not** apply to special category data:

- if the processing is necessary for public health purposes in the public interest; or
- if the processing is necessary for the purposes of preventative or occupational medicine.

When we receive a request to erase data, we will take reasonable steps to check the identity of the requester and that they have the right to make the request before considering it.

We can refuse to comply with a request when an exemption applies, or when the request is manifestly unfounded or excessive. We can either request a reasonable fee based on the administrative costs of complying with the request, or we can refuse to deal with the request. We will use ICO guidance and our own information management records to make decisions about this and we will contact the person making the request to inform them of our decision (including any fee payable) and the reasons without undue delay and **within one month**. We do not have to comply with the request until we have received the fee.

When we have decided whether we can erase the data we will explain our decision to the individual making the request and inform them of their rights to complain to the ICO. We will also make a record of the request and our response similar to the way we handle SARs e.g. date and manner of request (verbally to class teacher, a note handed to reception etc.), the data subject’s name, the name and address of requester (*if different*), the erasure requested, our decision, and the date we communicated the decision.

4.5. The right to restrict the processing of personal data

Under Article 18 of the GDPR individuals have the right to limit the way we use their data if they have a particular reason for wanting to, and this is an alternative to erasing it. They may have issues with the content of the information or how we have processed it. In most cases we will not be required to restrict an individual's personal data indefinitely but will need to have the restriction in place for a certain period of time. The right is not absolute and only applies if:

- the individual contests the accuracy of their personal data and we are verifying it;
- the data has been unlawfully processed i.e. in breach of the 1st principle, and the individual doesn't want it erased;
- we no longer need the personal data but the individual needs us to keep it in order to establish, exercise or defend a legal claim; or
- the individual has objected to us processing their data under Article 21(1), and we are considering whether our legitimate grounds override those of the individual.

We use the most appropriate method applicable at the time to restrict processing including:

- temporarily moving the data to another processing system;
- making the data unavailable to users; or
- temporarily removing published data from a website.

While a restriction is in place we will not do anything with data except store it unless:

- we have the individual's consent;
- it is for the establishment, exercise or defence of legal claims;
- it is for the protection of the rights of another person; or
- it is for reasons of important public interest.

If we have disclosed the restricted data to another organisation we will tell them about the restriction in the same way as if it were inaccurate data unless this proves impossible or involves disproportionate effort. If asked to, we will also inform the individual about these recipients.

We can lift the restriction when we have decided that the issues are resolved i.e. the data is accurate or our legitimate grounds override the individuals' and we will inform the individual and include our reasons before we lift it. We will also tell them about their right to make a complaint to the ICO.

We can refuse to comply with a request when the request is manifestly unfounded or excessive. We can either request a reasonable fee based on the administrative costs of complying with the request, or we can refuse to deal with the request. We will use ICO guidance and our own information management records to make decisions about this and we will contact the person making the request to inform them of our decision (including any fee payable) and the reasons without undue delay. We do not have to comply with the request until we have received the fee.

4.6. The right to data portability

The right to data portability only applies when all 3 of the following conditions are met:

- the individual has provided the personal data;
- the processing is based on the individual's consent or for performance of a contract; **and**
- processing is carried out by automated means.

We do not currently hold any qualifying data but we are aware of our obligations under the GDPR and will follow ICO guidance, reviewing our procedures if we automate any processing.

4.7. The right to object to processing

Individuals must have an objection on "grounds relating to his or her particular situation" and we must stop processing the personal data unless:

- we can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual; or
- the processing is for the establishment, exercise or defence of legal claims.

We will:

- inform individuals of their right to object “at the point of first communication” and in our privacy notice, explicitly bring the right to their attention clearly and separately from any other information;
- stop processing personal data for *direct marketing purposes* as soon as we receive an objection because there are no exemptions or grounds to refuse; and
- deal with an objection to processing for *direct marketing* at any time and free of charge.

An individual can object to processing for research purposes on “grounds relating to his or her particular situation” unless processing is necessary for the performance of a public interest task.

We carry out some processing of personal data online e.g. our visits approval system, responding to DfE data demands online, and any individual can object to our online processing by contacting us at admin@broughton-pri.cumbria.sch.uk

4.8. The right to object to automated decision making and profiling

We do not currently use any data systems that make automatic decisions about people without any human involvement. We are aware of our obligations under the GDPR and will follow ICO guidance, reviewing our policy and procedures if we fully automate any decision-making.

5. Subject Access Requests

Every individual who is our data subject has the right to access their personal data so that they are aware of and can verify the lawfulness of the processing, including children of any age who understand what they are requesting. These rights do not automatically override the rights of any other individual who might be identified by our response to a request, so we will make a decision on what information to disclose by balancing the data subject’s right of access against any other individuals’ rights in respect of their own personal data. We will use the latest ICO guidance on SARs to help us make decisions.

The data subject or the person acting on their behalf must make a SAR in writing and we provide a form at [Appendix A](#) to help people do this. There is no requirement to use our form, but it can speed up the process by helping the people making requests to provide us with the kind of information we need to comply. We will also make any reasonable adjustment for disabled people who may be unable to make their SAR or receive information in writing e.g. accepting a verbal request, providing a braille response etc. Relevant staff are trained to recognise a SAR even when it does not include the words “subject access”, or refer to the applicable legislation, including where the wrong legislation is quoted i.e. often the Freedom of Information Act.

When we receive a SAR it will be entered in the Subject Access Request log book, including the date of receipt, the data subject’s name, the name and address of requester (*if different*), the type of data requested (e.g. pupil record, personnel record), whether there is enough information to respond appropriately (and the immediate action taken to seek more if not), and the expected date for providing the information.

We aim to provide information without delay and at the latest **within one month** of receipt of the request. For example: if we receive a SAR on the 10th of the month we will respond by the 10th of the following month. We will seek to extend this response period by up to the two further months which GDPR allows where requests are complex or numerous. If this is the case, we will inform the individual within one month of the receipt of the request and explain why the extension is necessary.

SARs made by pupils will be processed in the same way as any other SAR and the information will be provided to the child regardless of their age, unless it is clear that they do not understand their rights. If we are sure that the pupil **does not** understand the SAR and their rights, we will refer the matter to parents, comply if they agree, and provide the information to parents.

SARs made by people on behalf of children they hold parental responsibility for will be processed in the same way as any other SAR while recognising that they do not own the data they are requesting. If we are confident that the pupil whose data it is **does** understand the SAR and their rights, then we will respond to the child rather than the parent, even where the parent was the one who made the request.

In making our decision we will take the following, amongst other things, into account:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person (including information about any counselling or other service being offered directly to the child);
- any consequences of allowing those with parental responsibility access to the child's or young person's information (particularly important if there have been allegations of abuse or ill treatment);
- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to information about them.

If the information requested by a parent in a SAR relates to the 'educational record' of a pupil, in accordance with *'The Education (Pupil Information) (England) Regulations 2005'*, we will make a pupil's educational record available for inspection by the parent, free of charge, **within fifteen school days** of receipt of the parent's written request for access. This cannot include any information that we could not lawfully disclose to the pupil themselves. If parents request a copy to keep, we can charge the administrative costs of supplying one.

If the information requested in a SAR does **not** relate to the 'educational record' of a pupil, we will provide a copy of the information free of charge **unless** the request is manifestly unfounded or excessive, particularly if it is repetitive. This fee may vary and will be based only on the administrative cost of providing the information. We will use ICO guidance and our own information management records to make decisions about this.

We must verify the identity of the person making the request, using "reasonable means". If the person making the request is not the data subject, we must also verify their right to make such requests on behalf of the data subject e.g. their authority to act or their parental responsibility for a child. In cases where a child is competent to make their own request, information will be provided to the child and not to the parent. We will use ICO guidance and our knowledge of the capability of our pupils as described above to make decisions about this.

If the request is made electronically, we will provide the information in a commonly used electronic format.

If we are asked for a large quantity of information about an individual, we can ask the individual to be more specific about the information they want. This is not because we are exempt from providing large amounts of data, this is so we can consider whether the request is manifestly unfounded or excessive.

If we are asked for information that a data processor we work with holds on our behalf, we will ask our data processor to provide it to us so that we can comply with the SAR. This is because we are the data controller and it is our responsibility. We have written contracts in place with all of our data processors to help us do this.

A Subject Access Request should be made in writing to: Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth CA13 0YT.

6. Data Protection and Privacy by Design

Data protection and privacy by design is an approach to projects and tasks that promotes privacy and data protection compliance from the start and is a clear requirement of us under GDPR. This is not just about the strategic decisions we make building new IT systems for storing or accessing personal data and

developing policy or strategies that have privacy implications. It is also about collecting or sharing data in a new way or using data for new purposes.

Our aim is to minimise privacy risks and build trust so all staff will have a central role to play in keeping what we do compliant. When handling data in a different way staff are trained to first consider the impact of what they are doing and how they are doing it in relation to data protection and privacy, with the ten questions in [Section 3.3](#) playing an important part in the process. This could be as simple as ensuring consent forms containing sensitive personal data are not carried in a clear folder on a trip, or as complex as thoroughly vetting an overseas data transfer service when a pupil leaves us to attend a school outside the European Economic Area (EEA).

We use the ICO guidance on Data Protection Impact Assessments (DPIAs) as an integral part of our approach to data protection and privacy by design. We also consult our DPO at the outset of any new data project.

6.1. DPIAs

The GDPR introduces a new obligation on us to do a Data Protection Impact Assessment (DPIA) before carrying out processing likely to result in a high risk to individuals' interests. If our DPIA identifies a high risk which we cannot mitigate, we must consult the ICO before proceeding.

A DPIA is a process to systematically analyse our processing and help us identify and minimise data protection risks. It is meant to:

- describe the processing and our purposes;
- assess the necessity and proportionality of what we are planning;
- identify and assess risks to individuals; and
- identify any measures to mitigate those risks and protect the data.

It does not have to eradicate the risk but should help to minimise risks and consider whether or not they are justified. We will need to do a DPIA if we plan to:

- use new technologies;
- use profiling or special category data to decide on access to services;
- profile individuals on a large scale;
- process biometric or genetic data;
- match data or combine datasets from different sources;
- collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
- track individuals' location or behaviour;
- profile children or target services at them; or
- process data that might endanger the individual's physical health or safety in the event of a security breach.

All staff have a responsibility to identify when their activities around data imply the need for a DPIA. This could be doing an entirely new task with data, or it could be changing the way a well-established task is being done. The need for doing a DPIA should be reported to Mrs S Bryden who is responsible for conducting DPIAs.

7. Training & Awareness

During their induction all staff will receive suitable training in their responsibilities for data protection in their work and the relevant procedures. This will be supplemented with staff briefings, inset training and other methods of updating staff as necessary e.g. briefing emails, notices etc.

This policy is available to all staff in hard copy in the school office and electronically on the staff network on the T drive under 'Policies'. It can also be provided to others on request. This policy will be updated regularly in line with changes in practice or clarifications required after applying it to resolve data protection issues.

Anyone can seek general data handling guidance from the ICO on their website <https://ico.org.uk>.

Day-to-day support and guidance for staff is available from Mrs S Bryden (Administrator) and Mr P French (DPO). Any other category of person wanting help with a data protection issue e.g. contractors, parents etc. can also contact Mrs S Bryden or are free to contact our DPO using the published contact details.

8. Publication of Information

At times we publish information which includes personal data, for example:

- internal telephone directory,
- event information,
- staff information,
- lists of students in a team.

Other things we publish can be subject to an individual's consent and we will seek it as required and consider all reasonable requests to correct, erase or restrict data processing in line with our obligations under the GDPR.

9. Managing Consent

We only need one lawful reason to process personal and special category data and the law provides us with 6 reasons to choose from for personal data (see [Section 3.1](#)) and 9 reasons for sensitive personal data (see [Section 3.2](#)). This means it is extremely rare for us to have to rely solely on consent as our *only* lawful basis for processing.

When we do need consent, we ask we will include the following information:

- the name of our school;
- the name of any third party controllers who will rely on the consent;
- why we want the data;
- what we will do with it; and
- that individuals can withdraw consent at any time.

People will be asked to actively indicate their consent in words and if there are different options, these will be made clear e.g. consent for a child to participate in an event being clearly separate from any consent to use images of them taken at the event (if no standing images consent is already held).

There is no set time limit for consent. How long it lasts depends on the context and what we have told people in our Privacy Notice or other communications. We review and refresh consents as appropriate.

Genuine consent should put individuals in control, build trust and engagement, and enhance our reputation so, when we do rely on it, we need to keep a record that helps show it was freely given e.g. who consented, when, how, and what they were told.

9.1. Consent to use personal data including images and voice recordings

We do not need parental consent to process any personal data including image or voice recordings for the purposes of education e.g. photographs or video of an Early Years child or child with SEND demonstrating how they meet a learning outcome. Using names, image and voice recordings of children in their work and in displays inside school, is a fundamental part of their education, personal development and how we celebrate them. This does not affect the statutory rights of individuals as set out in [Section 4](#). Anyone can raise any concern with any member of staff about our use of their or their child's data at any time and we are obliged to ensure their rights are upheld where we have no lawful reason to refuse.

We do need parental consent to use personal data including image and voice recordings for other reasons such as marketing or self-promotion in publications and on websites or social media platforms directly managed by us or, with our permission, by others associated with us and may include pictures that have been drawn by children. Images that might cause embarrassment or distress will not be used

nor will image or voice recordings of children be associated with materials or issues that are considered sensitive. Anyone with parental responsibility for a child can ask to see any images that we hold of them at any time.

There is no legally binding age of consent in the UK with regard to the use of an individual's own data, including their image or voice, except when providing an Information Society Service (ISS) directly to a child online and solely on the basis of their consent. In the UK this particular age of consent is 13 years old. We do not currently offer any ISS and have no plans to. This means that any child of any age can assert their data rights or consent to the use of their data under the GDPR, providing we are sure that they understand their rights and the implications of their consent. For more information about how we make decisions about a child's competence to consent or withdraw consent that their parents have previously provided, please see [Section 5](#).

Photography, audio recording or filming will only take place at school or school events with the permission of the Head teacher/ manager, and under appropriate supervision.

Regardless of who is publishing data, and that includes us, our policy is that children will only be named if there is a particular reason to do so e.g. they have won a prize, and no other personal details will be published or given out. If names will, or might, be published e.g. in a newspaper article, we will check that parents understand the potential implications and consent to the use of names at that time and before the publishing happens. The news media will often require a child's full name before they will publish an image and our policy is to resist this wherever possible and if we fail, we will take steps to ensure that parents are aware that all of the details will be available in local or national newspapers and worldwide online.

We allow parents and other invited visitors to take images of children at school functions but we reserve the right to enforce special restrictions on a case-by-case basis. They are required to bear in mind that they may capture other people's children and must ensure images are appropriate. They are also required to agree that they will only share them publicly i.e. post them to social media, with the express permission of the parents of everyone in the images. In our Behaviour Policy and our Online Safety Policy we also require all parents and children to support our approach to online safety and not upload or post to the internet any pictures, audio, video or text that could upset, offend or threaten the safety of any member of the school community or bring the school into disrepute.

Our policy around consent is to ask once when a child starts their career with us for separate general consents to use image and/or voice recordings:

- a) publishing in any wholly off-line medium that will **not** also be put online e.g. our promotional montage video that plays on the monitor in the reception waiting area every day, a print newsletter that is not also put on our website;
- b) publishing on our website or in other print or online media which we directly control, or
- c) allowing carefully selected third party organisations such as local media outlets to publish them.

We use the form at [Appendix E](#) to seek consent and we remind parents and children regularly that they can change or withdraw their consent at any time.

When a child understands their right of consent and its full effects and there are no reasons why their name, image or voice must be protected, we can prioritise the consent of a child over parental consent where they are different. We are more likely to decide not to use images etc. when a child objects and their parent does not than vice versa, but our overriding priority will always be to act in the child's best interests.

Staff are expected to make themselves aware of the guidance KAHSC General Safety Series [G21: The Use of Images Working with Children](#), and to apply the principles in all use of image and voice recordings.

9.2. Data sharing during a public health emergency: consent and data retention

In line with our statutory duties, we require anyone who comes into close contact with our pupils, staff, buildings or equipment (including our staff and pupils) to share with us necessary personal data to give to an organisation authorised by a relevant public health authority (like UK Test and Trace) so they can take

action to protect public health. We do not need consent for this and in a public health emergency this is no different to our normal practice when we are required to report that staff or pupils have contracted a notifiable disease like meningitis or measles, or if we have a food poisoning incident on our premises.

What we do differently during the Covid-19 (coronavirus disease) pandemic, is:

- require visitors to confirm health information before entering our premises further than reception i.e. that they do not have symptoms of, have not had symptoms of or a positive test result for Covid-19, **and** have not had close contact with anyone who is or has, all within the 14 days before their visit;
- ask for a little more personal data than we did before so the health authority can contact them directly (i.e. a mobile number); and
- Record more location data about people so we can take action with appropriate limits if staff, pupils or visitors tell us that they have Covid-19 or must self-isolate because they have been in contact with someone who has it. We use the form at [Appendix G](#) for this purpose. We retain completed forms for 21 days and have developed a simple routine to minimise handling between different people and ensure appropriate and regular disposal.

The definition of close contact we use is [the current one](#) Public Health uses to decide who needs to self-isolate and be tested for Covid-19. It is printed on our visitor record form and there is a procedure in place to update forms if a new definition is published, tell relevant staff and destroy unused forms if they have the wrong definition on them.

It is vital that all staff involved in receiving or showing out visitors understand how important it is to:

- get a clear declaration of wellness and adherence to the law on self-isolation before entry,
- properly record contacts and locations visited, and
- properly secure and retain forms (for no less than 21 days);
- analyse or refer back to forms to inform cleaning procedures and comply with our duty share information with UK Test and Trace Service to support their public health aims.

It also important that staff handling forms understand they should be treated more confidentially than ordinary visitor records because the law views medical and health data as more sensitive than other types of personal information. They should also remember that some visitors will provide a personal rather than work mobile number and their privacy and personal safety could be compromised by casual observance of the information by unauthorised people.

We also require staff, pupils and parents (and visitors where relevant) to share with us the results of any medical tests relevant to an ongoing public health emergency i.e. particularly a positive Covid-19 test result, so we can take any necessary action to prevent infection in our school community. We will not ask for proof of any test result.

10. Data Security and Integrity

Article 5(1)(f) of the GDPR concerns the 'integrity and confidentiality' of personal data. It says that personal data shall be: "Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures".

The security measures we put in place seek to ensure that the data:

- can be accessed, altered, disclosed or deleted only by those we have authorised to do so and that those people only act within the scope of the authority we give them;
- is accurate and complete in relation to why we are processing it; and
- remains accessible and usable, i.e. if personal data is accidentally lost, altered or destroyed, we should be able to recover it and prevent any damage or distress to individuals.

All staff and any others who process the personal data of our data subjects are expected to work to the same principles we do at all times.

10.1. Classification of data

We carry out regular data audits to identify data that we control and the risks to every kind of processing we do to that data, and we keep a record to help us deal with any issues or requests. As part of this systematic approach we operate 3 levels of data classification to ensure the appropriate security measures can be taken to keep the data safe:

- **Public:** Information that does not require protection and is considered “open and unclassified” and which may be seen by anyone whether directly linked with school or not. Information is likely to already exist in the public domain.
- **Confidential:** Information that, if disclosed inappropriately, may result in minor reputational or financial damage to the school or may result in a minor privacy breach for an individual. Information that should only be available to sub-groups of school staff who need the information to carry out their roles.
- **Sensitive:** Information that has the potential to cause serious damage or distress to individuals or serious damage to the school’s interests if disclosed inappropriately. Information which is sensitive in some way because it might be sensitive personal data, commercially sensitive, legally privileged or under embargo. This information should only be available to a small tightly restricted group of authorised users.

The appropriate marking of data as to its classification is an operational decision on a case-by-case basis. Most of our data held in electronic databases is classified automatically by the information management systems that hold it. Information that is transferred e.g. emailed, posted, moved to an archive etc. must be appropriately classified and marked to ensure it will be treated properly.

[Appendix H](#) sets out some of our specific data security expectations at each different level of data classification and we share it with staff and others who have legal obligation to us when they process data that we control

All data classifications are reviewed at the point of entry into our archive. All archived data is appropriately labelled with:

- the final data classification;
- any specific restrictions i.e. not to be released to named parent under court order;
- how the data is to be destroyed e.g. incineration, cross-cut shredding, shredding, or electronic data scrubbing/shredding;
- when the data is to be destroyed.

Staff responsible for archiving are trained to assess and manage any increasing risks that can arise as data about one person is aggregated.

10.2. Organisational and technical security measures

The main organisational and technical measures we employ include:

- Appropriate physical security measures for the site, buildings, restricted areas and restricted storage containers including locks, deadlocks, restricted access codes, alarms, window bars
- Appropriate physical access and security procedures including limiting access to areas or stores to certain key holders, and procedures to welcome visitors aimed at preventing unauthorised access e.g. visitors’ badges, signing in/out, whether a visitor can only access certain areas while accompanied etc.
- Ensuring unauthorised personnel cannot see documents or screens which might display personal data e.g. open registers and visitor’s books, emails, CCTV monitors.
- Suitable contracts of employment or technology access agreements for pupils, visitors and others aimed at ensuring the proper use of personal data and maintenance of confidentiality.
- Appropriate storage arrangements that avoid physical risks (flood, fire etc.), loss (lost devices, accidental destruction etc.) or electronic degradation (corruption caused by electricity or magnetism, new software unable to read files created using old software etc.).

- Appropriate technological or procedural security measures including:
 - The installation of appropriate security software (including for virus and malware checking) on all devices used to process personal data, instructions on how to use it properly, and the requirement on all data users to adequately secure devices i.e. carrying portable devices securely and activating an encrypted screen lock when leaving a device unattended even for a minute.
 - Restricting access to school devices containing personal data to employees and specially authorised volunteers, visitors or service providers. Staff using a work device off-site must take steps to secure their work device from use by anyone else including family.
 - Enforcing our strict protocol on the use of personal devices to process personal data obtained at work, including a requirement for secure remote access to school systems which can be found in the Acceptable Use of IT Policy/Agreement
 - Restricting the number of people who can access certain data by limiting online logins, protecting parts of our network to hide them from unauthorised users, and by having procedures in place to designate authorised users and give only them the proper access;
 - Enforcing our strict password protocol for access to any personal data whether it is online, on a device, or being transferred somewhere e.g. email. All staff who use Password Managers are required to apply the best practice guidance blog from the [National Cyber Security Centre](#) (NCSC).
 - Having appropriate data recovery arrangements in place to avoid accidental loss of data or password sharing i.e. so when someone is unavailable to provide access to data, with the proper authorisation their access can be reset and the data still obtained in their absence.
 - Appropriate marking or designating of data as private or confidential or sensitive to ensure it is treated accordingly e.g. not printed to a publicly accessible printer.
 - Adherence to strict controls on the transfer of data i.e. only as authorised and agreed via encrypted email or portable device, secure websites, password protected files, properly addressed and if necessary fully tracked postal packages, delivery by hand etc.
 - Secure methods of disposal for both paper and electronic data shredding.
 - Clear policies and procedures for the appropriate archiving and automatic backing up of necessary data including off-site e.g. essential data identified in the Emergency Preparedness Plan to ensure business continuity.
 - Clear and binding contracts with our data processors such as our health & safety provider and people who we jointly control data with such as the outdoor adventure centres we go on residential trips to.

All enquiries about the policies and procedures that should be followed and how data should be protected or destroyed can be addressed to the DPO, Mrs S Bryden, or the IT Manager. The consequences of getting it wrong can be very serious for our most vulnerable data subjects and breaches of data protection may be subject to disciplinary action and further subject to legal action or criminal prosecution.

10.3. Email

All staff are expected to adhere to the good practice around the use of email set out in the current Information and Records Management Society *'Toolkit for Schools'* understanding their role and responsibilities with regard to:

- the 8 things they must know about email including that it is not always a secure medium to send confidential information by, that email is disclosable under the Freedom of Information Act 2000, that any employer has a right to monitor the use of email under the Regulation of Investigatory Powers Act 2000, and that email is one of the most common causes of stress in the work-place;
- creating and sending email;
- sending attachments;
- using disclaimers;
- managing received e-mails; and
- retaining emails.

Others who have legal obligations to us because they process data we control will be made aware of our email protocols as necessary.

All staff are required to use the authorised email disclaimer as follows:

This e-mail contains confidential information and is intended solely for the use of the intended named recipient. If you are not the intended recipient you may not disclose, copy, distribute or retain any part of this message or its attachments. If you have received this message in error, please notify the author immediately by using the reply facility in your e-mail software. All copies of the message received in error should be destroyed. Any views or opinions expressed are solely those of the author and do not necessarily represent those of Broughton Primary School. Nothing in this email shall give rise to any contractual relationship with Broughton Primary School. This email message has been scanned for viruses, and declared to be virus free when leaving Broughton Primary School Registered in England Registered address; Moor Road, Great Broughton, Cockermouth, Cumbria. CA13 0YT Company no. 07754698.

10.4. CCTV

We use CCTV to monitor and record images for the purposes of crime prevention and public safety both inside and outside our buildings. Coverage is designed to minimise any intrusion on reasonable expectations of privacy and we have clear procedures governing the use, retention and disclosure of the personal data we capture.

10.5. Transfers of data outside the EU

We can only transfer personal data outside of the European Union (EU) in compliance with the conditions for transfer set out in Chapter V of the GDPR, unless the European Commission has decided on behalf of all member states that a particular third country, territory, or international organisation (or part of one) ensures an adequate level of protection of the rights and freedoms of our data subjects.

We will follow current ICO guidelines on data transfers outside the EU and refer to our DPO when making decisions about the safety, security and lawfulness of transferring the data.

The UK left the EU on 31 January 2020 and entered into a transition period until 31 December 2020 where rules on the transfer of data between the UK and EU remain the same. What happens after then depends on whether the UK leaves with or without a deal.

The government has said that transfers of data from the UK to the European Economic Area (EEA) will not be restricted. However, from the end of the transition period, unless the EU Commission makes an adequacy decision, [GDPR](#) transfer rules will apply to any data coming from the EEA into the UK. We will need to consider what GDPR safeguards we can put in place to ensure that data can continue to flow into the UK. We will monitor ICO guidance, particularly [Data Protection at the end of the transition period](#) and our [guidance on international transfers](#) and their [interactive tool on using standard contractual clauses for transfers into the UK](#) to help us decide what we need to do and to update this policy for 2022.

10.6. Record keeping

The GDPR contains some explicit provisions about documenting our processing activities but that is not the reason we keep records. We need to know what data we have and how we use it to be able to control it effectively; we need to be able to justify our decisions about data; and we may need to provide evidence to the ICO as part of a data breach investigation.

We use the ICO [GDPR Documentation Template](#) to fully comply with the record keeping required of us under Article 30. It is the responsibility of all staff to ensure the spreadsheet remains a current reflection of how they work with data. Staff should report changes in their practice to Mrs S Bryden in order to comply with this.

We also keep records of our DPIAs, consent, staff training, and our contracts and data sharing agreements i.e. our employment and service provision contracts, processor contracts, and joint-controller data sharing agreements.

We also keep some simple logs which briefly detail:

- SARs;

- other types of data requests and what we did e.g. objection, rectification, withdrawal of consent, education record request etc.;
- data destruction;
- breaches.

All staff are made aware of our record keeping obligations and some staff are specially trained in managing them.

11. Data Sharing

We are required to share personal data with some organisations by law e.g. our census data with the DfE. At other times we share information to improve or protect people's lives and we have included information about this in our Privacy Notice.

All staff are expected to make reference to the current ICO [Data Sharing Checklist](#) in making decisions on whether to share data or not and how to do it. Unless the data sharing is routine and pre-authorised e.g. medical data routinely disclosed to the outdoor adventure centres we go on residential trips to, no decision should be made regarding the disclosure of any sensitive personal or sensitive commercial data without reference to an immediate line manager or the headteacher. If nobody involved in the decision-making has received suitable training in data protection, the DPO must be consulted before data is disclosed externally.

With regard to the disclosure of child protection data, we will always follow the current '*Information Sharing Protocol*' available from our Local Children's Safeguarding Partnership.

We have simple procedures in place regarding unavoidable disclosures to people we do not already have data processing or data sharing agreements with e.g. to an engineer during emergency repair of a computer system, which includes a requirement for them to sign a suitable non-disclosure agreement.

12. Data Retention

We can only keep personal data for as long as we need it. How long that is will depend on the circumstances and the reasons we obtained it. We will generally follow the guidelines set out in the current Information and Records Management Society '*Toolkit for Schools*' and we will specifically follow requirements placed on us by our Local Authority and Local Children's Safeguarding Partnership in particular.

We typically retain pupil data and data about their family and other involved professionals until they leave us. Otherwise we retain it for a few days or weeks e.g. trip consent forms, or for 3-50 years depending on whether it is education related or incident related.

We typically retain staff data for between 6 months and 6 years after the end of their employment with us, depending on their role. Some pieces of data may need to be retained for 50 years such as records of potential exposure to radiation or asbestos.

We typically retain the personal data of contractors and other professionals in line with work or contractual agreements, and longer in cases of dispute.

Some information is retained for more indefinite periods e.g. outreach programme take-up data so that we can analyse trends, or event photographs and accounts so that we can maintain a historical record.

We are required to keep indefinitely all child protection information that does not automatically move with a child when they leave us, pending the outcome of the Independent Inquiry into Child Sexual Abuse.

13. Data Disposal

We will dispose of all paper and digital data securely when it is no longer required.

A Destruction Log will be kept of all data that is disposed of. The log will include any document ID, classification, date of destruction, method and authorisation.

14. Breach Reporting

Any breach of this policy or of data protection laws must be reported to the DPO as soon as practically possible i.e. as soon it becomes apparent. We have a legal obligation to report any qualifying data breaches to the ICO within 72 hours.

A qualifying data breach is one where, if not addressed in an appropriate and timely manner, it could result in physical, material or non-material damage to someone such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, financial loss, unauthorised reversal of pseudonymisation, damage to reputation, loss of confidentiality of personal data protected by professional secrecy or any other significant economic or social disadvantage to them.

All staff and anyone else who owes us or our data subjects a legal duty, a duty of care, or a duty of confidentiality have an obligation to report actual or potential data protection compliance failures. This allows us to:

- investigate the failure and take remedial steps if necessary;
- maintain a register of compliance failures;
- notify the individuals affected; and
- notify the ICO of any compliance failures that are material in their own right or part of a pattern of failures.

Any member of staff who fails to notify of a breach or is found to have known or suspected a breach has occurred but has not followed the correct reporting procedures may be liable to disciplinary action. Where others have been involved in a data breach, a report will also be made to a relevant DPO or employer.

15. Our Obligations to our Data Processors

As the data controller we have obligations to our data processors when we give them the personal data of our data subjects which include in general, but are not limited to responsibilities to:

- provide accurate personal data and all necessary corrections in a timely manner;
- employ appropriate technical and organisational security measures when providing and using the personal data being processed;
- only request user access to the data processing for employees and the contractor at a level commensurate with their work tasks and responsibilities e.g. have the fewest possible users who are authorised and enabled to access the accident & incident reporting system which contains sensitive health data;
- respond promptly to requests from our processors for data updates and provide updated and accurate written instruction regarding the continued access to data that we require;
- require our users of any data processor's system to comply with strict password security measures e.g. length, complexity, not shared etc.;
- take appropriate action regarding any breaches;
- ensure our users of a processor's system website understand their responsibilities with regard to the DPA and the GDPR. Anyone found to have carried out unauthorised or unlawful processing activities must be made aware that they will be subject to disciplinary action by you and may be further subject to legal action or prosecution.
- inform our processor as immediately as possible if:
 - we need to remove security access i.e. to our data on their system, from individuals who no longer have any legal right or authority to access it e.g. employees who have left our employment,
 - we need their assistance to comply with a Subject Access Request,

- we need them to stop processing the personal data of any of your data subjects,
- be sure of our grounds under the GDPR for asking a processor to stop processing the personal data of any of our data subjects and that they are compatible with other applicable laws or legal rights,
- be very sure of our grounds to erase data under the GDPR as we can expect to pay the full costs of any extraordinary measures required to recover erased data where we have failed in our duties.

All staff involved in using the data that we control with the processing services that we contract with have a duty to meet all of our conditions of service. Queries about our contracts for processing activities should be addressed to: Mr P French, 21 Strawberry How Road, Cockermouth, CA13 9ZD.

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Subject Access Request (SAR) Form

You can use this form to make a Subject Access Request for information we hold about you or a child, **but you do not have to**. To help us respond appropriately, please provide as much information as possible.

Enquirer's full name: Enquirer's postal address: (including postcode) Enquirer's telephone number:	
Are you the person who is the subject of the records you are enquiring about i.e. the "Data Subject"? (please circle or show only <u>one</u> answer) YES or NO If you are not the Data Subject and are enquiring about a child's records, do you have parental responsibility for that child? (please circle/show one answer) YES or NO If you do have parental responsibility for the child whose records you are requesting access to, please tell us:	
The name of the child or children on whose behalf you are making the Subject Access Request:	
What your data concern or area of concern is:	
What specific information or topic(s) you want access to (in your own words):	
Additional information you think we need to process your request:	
Please tell us where you would like us to send the information if different from above.	
Full name of person to return to: Full return postal address: (including postcode)	
Data Subject Declaration	
Please supply the information about me or my child or children that I am entitled to under the Data Protection Act 2018 relating to the area of concern or the information I have specified above.	
I agree that the reply period will commence when I have supplied sufficient information to enable you to comply with my request.	
I consent to the reply being disclosed and sent: (please tick all that apply)	
<ul style="list-style-type: none"> • to me at my address as stated at the top of this form <input type="checkbox"/> or • to the name of the person to return to and at the return postal address I have given above and who I hereby authorised to receive such information. <input type="checkbox"/> 	
Signature of data subject (or parent/carer of):	Date:
Name of data subject (or parent/carer of) Please print:	

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Example School Privacy Notice for Pupils

Privacy Notice (How we use pupil information)

The categories of pupil information that we process include:

- personal identifiers & contacts like name, address, unique pupil number, contact details etc.
- characteristics like ethnicity, language, free school meal & pupil premium eligibility etc.
- image and voice recordings taken for assessment, celebration and in CCTV for safety and security reasons
- safeguarding information like court orders and the involvement of other professionals.
- special educational needs including the needs and ranking.
- medical information like doctors' details, child health, dental health, allergies, medicines, and dietary requirements.
- Family financial information like bank details and entitlement to meals, transport and premium funding to manage catering, school trips etc.
- attendance like sessions attended, absences, absence reasons, previous schools attended.
- assessment & attainment like key stage 1 and phonics results and SAT results.
- behavioural information like behaviour management plans, exclusions & alternative educational provision.

Why we collect and use this information

We collect and use pupil information to run school and manage pupils under section 537A of the Education Act 1996, under Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013, and under the Education (Pupil Registration) (England) Regulations 2006; and for monitoring and research under section 83 of the Children Act 1989.

We use pupil data mainly to:

- a) support learning,
- b) monitor and report on progress and provide data for national league tables,
- c) provide appropriate pastoral care,
- d) assess the quality of what we do,
- e) keep children safe e.g. food allergies, emergency contact details, CCTV,
- f) meet the statutory duties placed upon us for the Department for Education (DfE) data collections,
- g) meet the statutory duty placed upon us to report infectious diseases e.g. supporting the Covid-19 test and trace system,
- h) to record our own school history.

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

- 6(1)(e) to perform a task carried out in the public interest i.e. provide education.
- 6(1)(b) to enter into or carry out a contract e.g. provide meals, trips, transport, uniform, professional photos, childcare.
- 6(1)(c) to comply with the law e.g. recording attendance, publishing results, data sharing with child protection partners like social care, the NHS and the Local Authority etc.
- 6(1)(a) having your consent e.g. using images and names publicly.

When we process sensitive personal data like medical information we rely on the lawful bases:

Visit: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#information-to-collect>, if you want more information about Test and Trace, what data they collect and what they do with it.

- 9(2)(h) to prevent medical problems, assess needs, and to support health & social care services e.g. Education Health & Care Plans (EHCP), records of medicine administration.
- 9(2)(i) to improve public health e.g. we are required to report infections, like meningitis, Covid-19 or e-Coli, to local and national government departments;
- 9(2)(f) to defend a legal claim against us e.g. some special educational needs and all accident records etc.

This list is not exhaustive. For more information about the categories of information we process please see our data protection policy on www.broughtonprimarysch.co.uk

Collecting pupil data

We collect pupil information via registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school.

Most of the pupil information we ask for is required by law or necessary so we can do our job and some of it is voluntary. To comply with data protection legislation, if you have a choice about providing information, we will tell you when we ask for it.

Storing pupil data

We hold pupil data securely in line with the Information and Records Management Society (IRMS) Records Management Toolkit for Schools (Rev 2019). For more information on our data retention schedule and how we keep your data safe, please visit www.broughtonprimarysch.co.uk to see our data protection policy

Who we share pupil information with and why

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so. The laws listed above that require us to collect information also require us to share it.

We share pupil information with:

- Schools pupils go to after leaving us to support their continuing education.
- Child development and protection partners like Cumbria County Council Children's Services, Public Health, Inclusion & Social Care etc. to check attendance, monitor and protect children; the NHS for medical referrals & support; private companies offering counselling and other family or support services.
- The DfE to help decide our school funding, monitor attainment & benchmark it nationally, compile league tables, develop national education policy and monitor it.
- Medical services like the school nurse or the NHS for things like screening, vaccinations, health/ eye/ dental checks, EHCP provision etc. and Public Health England about certain contagious infections our pupils come into contact with.
- Public Health England and, to support Covid-19 testing and tracing (or any similar public health emergency action), partners like the NHS, Local Authority Public health and District Council Environmental Health Departments;
- Voluntary and charitable organisations (with your permission only), such as Barnardo's, our local Foodbank and similar organisations who can offer families practical help and support.

Department for Education (DfE)

The DfE collects personal data from educational settings and local authorities via various statutory data collections. The law requires us to share information about our pupils with the DfE either directly or via our local authority for the purpose of those data collections, under Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by DfE under a combination of software and hardware controls, which meet the current [government security policy framework](#).

For more information, please see the section on 'How Government uses your data' below.

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, please contact Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

You also have the right to:

- ask us for access to information about you that we hold
- have your personal data rectified, if it is inaccurate or incomplete
- request the deletion or removal of personal data where there is no compelling reason for its continued processing
- restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

For further information on how to request access to personal information held centrally by DfE, please see the 'How Government uses your data' section of this notice below.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

Last updated

We may need to update this privacy notice periodically, so we recommend that you revisit this information from time to time. This version was last updated on September 2021

Contact

If you would like to discuss anything in this privacy notice, please contact: Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs ‘short term’ education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports ‘longer term’ research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

Data collection requirements

To find out more about the data collection requirements placed on us by the DfE (for example; via the school census) go to www.gov.uk/education/data-collection-and-censuses-for-schools.

The National Pupil Database (NPD)

Much of the data about pupils in England is held in the National Pupil Database (NPD).

The NPD is owned and managed by the DfE and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department.

It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information.

Sharing by the DfE

The law allows the DfE to share pupils’ personal data with certain third parties, including:

- schools and local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

For more information about the DfE’s NPD data sharing process, please visit: www.gov.uk/data-protection-how-we-collect-and-share-research-data

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the DfE has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfе-external-data-shares>

How to find out what personal information the DfE holds about you

Under the terms of the Data Protection Act 2018, you are entitled to ask the DfE:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they’re holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the DfE, please make a 'subject access request' to them. Find out how in the DfE's personal information charter published at:

www.gov.uk/government/organisations/department-for-education/about/personal-information-charter

To contact the DfE go to: www.gov.uk/contact-dfe.

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Privacy Notice (How we use school workforce information)

The categories of school workforce information that we process include:

- Personal information like name, address, contact details, employee or teacher number, national insurance number & bank account details.
- Special categories of data like medical information for emergency or occupational health reasons; criminal conviction or social care action information for legal and safeguarding reasons; and characteristics information like gender, age, ethnic group etc.
- Contract information like start dates, hours worked, post, roles, salary information, and pre-employment vetting information like references;
- Work absence information like the number of absences and reasons;
- Qualifications and, where relevant, subjects or specialisms taught.

Why we collect and use this information

We use school workforce data to:

- a) Provide us with a comprehensive picture of our workforce, how it is deployed, how it can be developed, and how it can be kept safe;
- b) recruit appropriately and to inform the development of recruitment and retention policies;
- c) enable individuals to be evaluated and developed in their career and be paid.

Under the General Data Protection Regulation (GDPR), the legal bases we rely on for processing personal information are:

- 6(1)(b) to enter into or carry out a contract e.g. to employ people or buy services.
- 6(1)(c) to comply with the law e.g. pre-employment criminal record checks, recording sickness absence for benefits purposes, data sharing with child protection partners like social care, the NHS and the Local Authority etc.
- 6(1)(a) having consent e.g. to use images and names in publicity.

When we process sensitive personal data like medical information we rely on the lawful bases:

- 9(2)(a) having consent e.g. for referral to occupational health or other support services.
- 9(2)(h) for preventative or occupational medicine or to assess the work capacity of an employee;
- 9(2)(i) to improve public health e.g. we are required to report infections, like meningitis, Covid-19 or e-Coli, to local and national government departments;
- 9(2)(f) to defend a legal claim against us e.g. some special educational needs records and all accident records etc.

This list is not exhaustive. For more information about the categories of information we process please see our data protection policy on www.broughtonprimarysch.co.uk

Collecting school workforce information

We collect personal information via staff contract forms.

Most of the information we ask for is required by law or necessary so we can run the school effectively and some of it is voluntary. To comply with data protection legislation, if you have a choice about providing information, we will tell you when we ask for it.

Storing school workforce information

We hold school workforce data securely in line with the Information and Records Management Society (IRMS) Records Management Toolkit for Schools (Rev 2019).

Covid-19 specific data e.g. *some* visitor records, will normally be retained for only 21 days. For more information on our data retention schedule and how we keep your data safe, please visit www.broughtonprimarysch.co.uk to see our data protection policy

Who we share school workforce information with and why

We do not share information about our workforce with anyone without consent unless the law and our policies allow us to do so.

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring.

We are required to share information about our employees with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

We also share school workforce information with:

- our payroll and pensions service provider to pay people;
- the Local Government Pension scheme (Your Pension Service) to manage pension contributions;
- HMRC for legal and tax reasons;
- organisations involved with our children like other partner professionals who need the names, job titles, contact details and perhaps qualifications of our employees, the places we take children to on trips who might need more personal information like next of kin and medical needs, and workforce development providers like trainers;
- Public Health England and, to support Covid-19 testing and tracing (or any similar public health emergency action), partners like the NHS, Local Authority Public health and District Council Environmental Health Departments;
- Occupational Health and similar staff support services only with the consent of the individual.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. The law requires us to share information about our school workforce with the Department for Education (DfE) for the purpose of those data collections, under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

You also have the right to:

- ask us for access to information about you that we hold;
- have your personal data rectified, if it is inaccurate or incomplete;
- request the deletion or removal of personal data where there is no compelling reason for its continued processing;

- restrict our processing of your personal data (i.e. permitting its storage but no further processing);
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics;
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

Withdrawal of consent and the right to lodge a complaint

If we are only processing your personal data because you consented, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

Last updated

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Contact

If you would like to discuss anything in this privacy notice, please contact: Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department

The Department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

www.gov.uk/government/organisations/department-for-education/about/personal-information-charter

To contact the department: www.gov.uk/contact-dfe.

Privacy Notice (How we use governance information)

The categories of governance information that we process include:

- personal information like name, date of birth, gender identity, contact details including address and postcode;
- financial or business information like a governor's outside financial or business interests, or bank details for expense payments;
- Special categories of data like criminal conviction or social care action information for legal and safeguarding reasons, next of kin and medical information (if they accompany trips), and characteristics information like gender identity or religion.
- governance details like their role, start and end dates and governor ID.

Why we collect and use this information

We are a maintained school and have a legal duty under [section 538 of the Education Act 1996](#) to provide governance information to the Get Information About Schools (GIAS) scheme online.

We also use governor data to:

- d) comply with the law and keep governors safe;
- e) recruit appropriately; and
- f) enable individuals to be paid expenses.

Under the General Data Protection Regulation (GDPR), the legal bases we rely on for processing personal information are:

- 6(1)(b) to enter into or carry out a contract e.g. to appoint governors, include them in services we buy like access to online subscriptions we hold, or to accompany trips.
- 6(1)(c) to comply with the law e.g. pre-appointment criminal record checks, publishing information on our school website and submitting data to GIAS.
- 6(1)(a) having consent e.g. to use images and names in publicity.

When we process sensitive personal data like medical information we mainly rely on the lawful basis:

- 9(2)(a) having consent e.g. for referral to occupational health or other support services.
- 9(2)(i) to improve public health e.g. we are required to report infections, like meningitis, Covid-19 or e-Coli, to local and national government departments;
- 9(2)(f) to defend a legal claim against us e.g. all accident records etc.

This list is not exhaustive. For more information about the categories of information we process please see our data protection policy on www.broughtonprimarysch.co.uk

Collecting governance information

We collect personal information via governor application forms, service provider forms or online registrations.

Most of the information we ask for is required by law or necessary so we can run the school effectively and some of it is voluntary. To comply with data protection legislation, if you have a choice about providing information, we will tell you when we ask for it.

Storing governance information

We hold governor data securely in line with the Information and Records Management Society (IRMS) Records Management Toolkit for Schools (Rev 2019).

Covid-19 specific data e.g. *some* visitor records, will normally be retained for only 21 days. For more information on our data retention schedule and how we keep your data safe, please visit www.broughtonprimarysch.co.uk to see our data protection policy

Who we share governance information with and why

We do not share information about our governors with anyone without consent unless the law and our policies allow us to do so.

We routinely share governor information with:

- our financial services provider to pay expenses;
- Public Health England and, to support Covid-19 testing and tracing (or any similar public health emergency action), partners like the NHS, Local Authority Public Health and District Council Environmental Health Departments;
- other organisations like the places we take children to on trips (who might need more personal information like next of kin and medical needs if governors accompany them), third party service providers like online subscriptions they can log into or training providers.

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. The law requires us to share information with the DfE about our governors for the purpose of those data collections, under [section 538 of the Education Act 1996](#).

All data is entered manually on the GIAS system and held by DfE under a combination of software and hardware controls which meet the current under a combination of software and hardware controls which meet the current [government security policy framework](#).

For more information, please see 'How Government uses your data' section.

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cumbria, CA13 0YT

You also have the right to:

- ask us for access to information about you that we hold;
- have your personal data rectified, if it is inaccurate or incomplete;
- request the deletion or removal of personal data where there is no compelling reason for its continued processing;
- restrict our processing of your personal data (i.e. permitting its storage but no further processing);
- object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics;
- not be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you.

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

For more information on how to request access to personal information held centrally by the DfE, please see the 'How Government uses your data' section of this notice.

Withdrawal of consent and the right to lodge a complaint

If we are only processing your personal data because you consented, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth, CA13 0YT

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How Government uses your data

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Sharing by the Department

The Department may share information about governors with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data.

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

www.gov.uk/government/organisations/department-for-education/about/personal-information-charter

To contact the department: www.gov.uk/contact-dfe.

Privacy Notice (How we use visitors' information)

The categories of visitor information we process include:

- Personal information like your name, employer (if relevant to why you're here), and some location or other data e.g. the date & time you were here and your car registration if you're in our car park).
- Special categories of data like a disability we need to accommodate or positive Covid-19 result.

We use this data to comply with the law, for safety and security reasons, but also to understand who visits us, why, and improve the visitor experience.

If you visit us during the coronavirus (COVID-19) pandemic we will also ask for your contact telephone number and the names of individuals or groups you met with here face-to-face *for more than 15 minutes* because the law requires us to for the good of public health.

We will keep this information for 21 days and we will give it to any authorised UK national or local Test and Trace Service if they ask. After 21 days, the data held will be disposed of securely.

This does not affect your statutory data protection rights.

If you want to know more or have concerns please contact Mrs S Bryden, Broughton Primary School, Moor Road, Great Broughton, Cockermouth CA13 0YT or visit www.broughtonprimarysch.co.uk. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

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Model Parental Consent Form: Trips, Images and Pain Relief

Dear Parents/Carers,

We need parental consent for several things we do at school, so to make life as easy as we can for everyone, we ask for them all at once. The written parental consents below will last for all activities for the duration your child attends this school unless family circumstances which may affect parental responsibility change. **You can withdraw any of these consents at any time.**

We do **not** ask for consent to share your or your child's necessary personal data with any government authorised Test and Trace Service during the Covid-19 pandemic. This is because we only need **one** lawful reason to "process" personal data i.e. collect it and give it to someone else. Our lawful reason in any public health emergency, like a pandemic, is for the good of public health so that authorities can use the information to protect people. If you want to know more about the rare times when a group or organisation might need consent for this, go to the Information Commissioner's Office website: <https://ico.org.uk/global/data-protection-and-coronavirus-information-hub/coronavirus-recovery-data-protection-advice-for-organisations/collecting-customer-and-visitor-details-for-contact-tracing/>.

Educational Visits

Please read the declarations, complete the medical information section, and tell us who your two main emergency contacts are should your child experience an emergency at school or off-site.

The Use of Your Child's Name, Image and Voice

We don't need parental consent to use personal data, including image or voice recordings when we use it for education purposes. Using the names, images and voices of children in their work and in displays inside school is a fundamental part of their education, personal development and how we celebrate them. This does not affect your or your child's statutory rights (described in our Privacy Notice). Anyone can raise any concern with any member of staff about our use of their or their child's data at any time and we must ensure the rights of the individual are upheld if we've got no good reason to refuse.

We do need parental consent to use personal data for other reasons like marketing or self-promotion in print and on websites or social media directly managed by us or, with our permission, by others associated with us and this may include pictures that have been drawn by children. Images that might cause embarrassment or distress will not be used, nor will your child's image or voice be associated with materials or issues that are considered sensitive. You can ask to see any images that we hold of your child at any time.

Photography, audio recording or filming will only take place with the permission of the Head teacher and under appropriate supervision.

Regardless of who is doing the publishing, our policy is that children will only be named if there is a good reason e.g. they have won a prize, and no other personal details will be published or given out. If names will, or might be published e.g. in a newspaper article, we will check that you consent at the time and before the publishing happens. It is important to understand that if you do consent, the images and your child's name will appear in local or national newspapers and worldwide online.

If you want to attend school functions and take images of your child, please be sensitive to other people and try not to disrupt concerts, performances and events. Please also bear in mind that you may capture other people's children so make sure images are appropriate. If you or your child intends to share images, you can only share them publicly i.e. post them to social media, with the express permission of the parents of everyone in the images. Please also note that we ask all parents and children to support our approach to online safety and to not upload or post to the internet any pictures, audio, video or text that could upset, offend or threaten the safety of any member of the school community or bring the school into disrepute. If these rules are not respected, governors reserve the right to stop everyone from recording school events.

Please carefully consider the consent descriptions in the form below and tell us what you consent to by crossing out "do" or "do not" as applicable.

Giving Medicines (necessary pain relief only)

Appendix F

We will not give your child any medicine, including pain relief, unless it would be detrimental to your child's health or school attendance not to **and** you give your express consent. If your child requires regular medicine for a health or medical condition, we will need more detailed information about it and as part of your child's Individual Healthcare Plan you will be asked for that separately.

Please return this completed form to the school office

Parental Consent Form - Trips, Images and Pain Relief

Name of Child: _____ Date of Birth: _____ Class/Group: _____

EDUCATIONAL VISITS

This written parental consent is re-issued every September in order to ensure that all details relative to your child are up to date. If your child is to take part in a residential a separate form will be issued.

Declaration *Please delete as applicable

I ***do / do not** consent to my child taking part in school trips and other activities that take place off-site **and** to them being given urgent medical or dental treatment or necessary pain relief during any trip or activity.

I understand that:

- **All** trips and activities are covered by this consent and will include;
 - all visits (including residential trips) which take place during the holidays or a weekend,
 - adventure activities at any time *and*
 - off-site sporting fixtures outside the normal school day,
- School will provide me with information about each trip or activity before it takes place.
- I can inform school that I **do not** want my child to take part in a particular trip/activity and I should do so in writing.
- I **must** ensure that I and my child understand and agree to abide by any trip Code-of-Conduct.
- I **must** keep school informed if any medical information I have provided becomes out-of-date or where religious beliefs may impact on any medical treatment my child may receive.
- I **must** keep school informed if any emergency contact information I have provided becomes out-of-date or does not apply to a particular trip and I must provide alternatives as necessary.
- All school activities are appropriately insured. I also understand the extent and limitations of this insurance (details available on request).

Medical Information: Details of any medical conditions including allergies and travel sickness that my child suffers from and any medicines with dosage etc. that they should take during off-site activities including those outside school hours or overnight – attach additional sheet if necessary.

Using our website or an app to stay in touch: *please delete as applicable

To keep up to date with information about school, particularly activities, visits and fixtures:

I ***can / cannot** use the school website.

I ***can / cannot** use the school apps (e.g. Class DoJo, Tapestry, School Moneyetc.).

EMERGENCIES:	Emergency Contact 1	Emergency Contact 2
Name:	_____	_____
Relationship:	_____	_____
Telephone Number(s):	Work: _____ Home: _____ Mobile: _____	Work: _____ Home: _____ Mobile: _____

USE OF YOUR CHILD'S IMAGE AND VOICE *please delete as applicable

I ***do / do not** consent to image and voice recordings of my child being published in media used for official school purposes in line with school policy *which school directly controls* and which will **never be published online** by school e.g. the Christmas play DVD, the promotional montage video that plays on repeat in reception, a printed programme that will never be put on the school website.

I ***do / do not** consent to image and voice recordings of my child being published in media *which school directly controls* and which **will be published online** and therefore be available worldwide e.g. the prospectus, the school website, school Twitter feed, school Facebook page.

I ***do / do not** consent to image and voice recordings of my child being published in media *which school does not directly control* i.e. outside organisations which school has carefully selected and which **will be published online** e.g. news media, other school websites publicising events that your child participated in etc.

Declaration

I **understand** that any image or voice recordings I might make at school events must not be used inappropriately **and** that they cannot be shared publicly without suitable consent from everyone in them. I also understand that if these rules are not respected, Directors reserve the right to stop everyone from recording school events.

NECESSARY PAIN RELIEF (Paracetamol)

We will not give your child any medicine, including necessary pain relief, unless it has been prescribed by a GP and is required 4 times a day.

I ***do / do not** consent to my child receiving necessary pain relief medicine (Paracetamol) in line with the school policy and as per my instructions or those of a medical practitioner. I understand that if my child will require the regular administration of medicine at school, even for a limited time, I **must** complete a different form giving more detail.

By signing this form, I confirm I have read the information above, understand the declarations and have deleted as applicable to show clearly what parental consent is and is not given.

Signed: Relationship to Child:

Print Name: Date:

Model Visitor Booking/Record Form (Covid-19)

During the current public health emergency (coronavirus disease Covid-19), visitors are strictly by prior appointment only. To support the Public Health Test and Trace system to control spread of the disease, we need your name and a contact, preferably mobile phone number before going further than reception. Please also record who you came into close contact with during your visit (see definitions below). We will keep this information securely in accordance with the Data Protection Act 2018.

Please complete **all** sections marked with a *. You do not have to, but including your job, the name of your employer, an employer's contact telephone number, and your email details will help us analyse how well our visitor procedures are working for different groups, update you more quickly if something happens that impacts your visit, and help us provide information quickly to people who are affected if we have a confirmed case.

Please return completed forms to reception before leaving the premises. If you answered 'YES' to any health question, please alert a member of the office staff or the person you are visiting as soon as possible.

* Name:		
* Mobile Tel No.:		
Email address:		
Job/Role/Service:		
Name of employer	Employer Tel No.		
* Date of Visit:	* Time IN:	* Time OUT:	P.T.O.

* Before you start your visit - please answer all questions		
1. Have you been diagnosed with Covid-19 in the last 14 days? If NO , go to question 2. If YES , have you completed the full 10 day isolation period?	YES	NO
	YES	NO
2. Do you have a fever (temp. above 37.8°C) or have you experienced fever in the last 14 days?	YES	NO
3. Have you experienced an onset of respiratory problems, like a cough or difficulty breathing, within the last 14 days?	YES	NO
4. Do you currently have (or have you experienced within the last 14 days):		
• Loss of or change in your sense of taste or smell (anosmia);	YES	NO
• Shortness of breath; or	YES	NO
• Fatigue (beyond what you normally experience).	YES	NO
5. Have you, in the last 14 days, regularly come into close contact** with someone who is in self-isolation because they are ill or because they have received a positive Covid-19 test result?	YES	NO
** Close contact means:		
• Direct close contact - face to face contact with an infected individual for any length of time, within 1m, including being coughed on, a face to face conversation, or unprotected physical contact (skin-to-skin).		
• Proximity contacts - extended close contact (within 1m to 2m for more than 15 minutes) with an infected individual.		
• Travelling in a small vehicle, like a car, with an infected person.		

Visit: <https://www.gov.uk/guidance/maintaining-records-of-staff-customers-and-visitors-to-support-nhs-test-and-trace#information-to-collect>, if you want more information about Test and Trace, what data they collect and what they do with it.

*** During Your Visit**

I understand that there will be risk control measures in place on site that I will be told about and must follow, and if I want to see the full risk assessment, I can ask for a copy.

YES NO

*** After Your Visit**

Please name the people/groups that you have had close contact** with (judging it as if those contacts were with infected people as described on p1) *and* the rooms you have visited.

Staff or other adults	Groups or Individuals	Rooms visited (incl. toilet facilities, staff room etc.)

I understand the information provided on this form will be used to respond to any Covid-19 infection related to our site, or if you yourself report an infection to us. We are expected to work with the local Public Health team when dealing with any Covid-19 infections or outbreaks and will provide the contacts of all employees, users and visitors to our premises where relevant. We will keep a temporary record of our visitors' personal details for 21 days after which they will be securely disposed of.

Time OUT:

Signed:

INSTRUCTIONS FOR USE

To support the test and trace process administered by the local Public Health Department of the Local Authority, this form is to be issued to every visitor who has an appointment to come into the premises.

The form **must** be fully completed and left securely with Reception **before** the visitor leaves. It should be held securely for 21 days after which it must be securely destroyed.

When we have a confirmed case of Covid-19 that has potentially affected a worker who is **not** our employee, especially one whose job it is to travel to different places of work, we might tell their employer if we are advised to by Public Health, or if there has been a serious risk incident (i.e. close contact with our confirmed case) that could be an immediate danger to the health and safety of their employee and any other people affected by their business. This is the job of the national and local Test & Trace services, but all employers have a duty to share limited data solely for the good of public health and a duty of care towards all other employers that they cooperate and coordinate with when they become aware of a serious risk.

Forms must be reviewed by a senior manager before destruction to ensure that the control of visitors remains good (i.e. all visits were necessary) and to identify whether the risk profiles of particular individuals or groups are significantly impacted by their exposure to necessary visitors. This will help to decide whether current risk controls are adequate (in the same way the work some staff do across different bubbles is being monitored).

Electronic sign-in systems that don't ask for a mandatory health declaration, a mandatory phone number, don't have space to record multiple people a visitor might meet, cannot be edited later to add detail (like who was met with and where if it changed during the visit), and which can't delete that data after 21 days without being burdensome or destroying visitor records that need to be kept for longer, will need to be updated so it does, or it needs to be supplemented with a paper trail that records the missing data in a useful and reasonably secure way.

Display the temporary Privacy Notice for visitors wherever visitors will be when they are asked to provide their personal information which explains what data is being held and for what purpose for the duration of the pandemic.

Staff receiving forms - please note:

If the answer to **health question 1** is **YES**, and the answer to the follow-up question is **YES**, the individual may lawfully enter our premises because they have followed self-isolation rules.

If the answer to **health question 1** is **YES**, and the answer to the follow-up question is **NO**, the individual **must** be denied entry to our premises. Failure to follow self-isolation rules is unlawful.

If the answer to any **one** of the **health questions 2-5** is **YES**, the individual **must** be denied entry to our premises. Failure to follow self-isolation rules is unlawful.

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Data Classifications and Handling Requirements

This is an indicative rather than exhaustive guide to data classification and the resulting data handling requirements. All relevant queries should be directed to the Data Protection Officer or the Data Protection Support Assistant or the Information Technology Manager Miss K Lightfoot

	Public	Confidential	Sensitive
Impact if the information becomes public	No risk	Low-Medium Risk May result in minor reputational or financial damage to the school. May result in minor privacy breach for an individual.	Medium-High Risk Could substantially damage the reputation of the school, have a substantial financial effect on school or a third party, or would result in a serious privacy breach to one or more individuals.
Description of the information	Information that does not require protection and is considered “open and unclassified” and which may be seen by anyone whether directly linked with school or not. Information is likely to already exist in the public domain.	May result in minor reputational or financial damage to the school. May result in a minor privacy breach for an individual. Information that should only be available to sub-groups of staff within the school who need the information to carry out their roles.	Information that has the potential to cause serious damage or distress to individuals or serious damage to the school’s interests if disclosed inappropriately. Information which is sensitive in some way because it might be sensitive personal data, commercially sensitive, legally privileged or under embargo. This information should only be available to a small tightly restricted group of authorised users.
Examples of information This list is indicative not exhaustive if unsure ask Mrs S Bryden (administrator) for advice	<ul style="list-style-type: none"> ● Prospectus ● Press releases ● Open content on the school web site ● Publicity flyers and leaflets ● Published information released under the Freedom of Information Act ● Policies, annual reports and financial statements ● Job adverts (excluding internal only positions) ● staff names and contact details ● Staff publications. ● Agendas and minutes of school committees and working groups (except reserved business). ● Patented intellectual property. 	<ul style="list-style-type: none"> ● Student personal details e.g. demographics, personal email address etc. ● Staff personal details e.g. demographic, payroll number, personal email address etc. ● Internal only school policies, processes and guidelines. ● Internal only job adverts. ● Tender bids prior to award of contract ● Individual’s salaries ● Student’s assessment marks. ● Job application responses/CVs (unless they contain sensitive personal information). 	Sensitive personal data and some other data. <ul style="list-style-type: none"> ● Exam questions prior to use ● Medical records ● UPRNs ● Usernames and passwords ● Investigations/disciplinary proceedings. ● Payment card details. ● Financial information (banking details and data not already disclosed in financial statements). ● Passwords and access codes to school systems. ● Some complaints or requests ● Biometric data
Security Marking	No marking required	Must be clearly marked as Confidential	Must be clearly marked as Sensitive

	Public	Confidential	Sensitive
Storage (electronic)	<ul style="list-style-type: none"> ● Store using school IT facilities to ensure appropriate management, back-up and access. ● Use only the school approved cloud service on the T drive. Some cloud services may not be used because they link to computer C: drives which is not secure. 	<ul style="list-style-type: none"> ● Store only on the school IT network and never on the C: drive of a PC/laptop (beware downloading information when a laptop is not connected to the school domain - the download will go onto the C: drive and you may be in breach of this policy). ● Store only on the C: drive of a specially encrypted PC/laptop. ● Store only on the approved cloud service in a suitably restricted folder. ● Portable devices such as USB sticks must be encrypted and must not be used for long term storage due to the risks of loss or corruption of data. ● Never to be stored on any personal device or personal cloud service not controlled by school or on any unencrypted school device e.g. tablet, laptop, mobile phone etc. 	<ul style="list-style-type: none"> ● Store only on the school IT network in rigorously monitored & restricted access drives. ● Never to be stored on the approved cloud service unless also separately encrypted. ● Never to be stored on any portable storage device i.e. USB drive regardless of encryption. ● Never to be stored on any personal device or personal cloud service not controlled by school or on any school device e.g. tablet, laptop, mobile phone etc. unless it has been specially encrypted <i>and</i> there are other high level procedural safeguards.
School Website	No restrictions	Not permitted	Not permitted
Storage (hardcopy)	No restrictions	In a lockable cabinet/drawer which is locked when unattended and where the room is also locked when unoccupied. If not in a lockable store the room where this classification of data is kept should be locked at all times when unattended and must have restricted access.	In a lockable cabinet/drawer which is locked when unattended and where the room is also locked when unoccupied. If not in a lockable store the room where this classification of data is kept should be locked at all times when unattended and must have restricted access.
Email hosted by school	No restrictions	Emails to external recipients must not contain this data. It must be an encrypted email or sent as an encrypted attachment and the password conveyed by a separate mechanism e.g. telephone. Emails to internal recipients i.e. school email account-to-school email account are secure, so encryption and encrypted attachments are not necessary.	Emails to external recipients must not contain this data. It must be an encrypted email or sent as an encrypted attachment and the password conveyed by a separate mechanism e.g. telephone. Emails to internal recipients i.e. school email account-to-school email account are secure, so encryption and encrypted attachments are not necessary.
Personal email account e.g. Hotmail etc.	No restrictions	Not permitted	Not permitted
Post (Internal)	No restrictions	In a sealed envelope marked Confidential.	Seal envelope, mark Confidential & hand deliver.
Post (External)	No restrictions	Tracked and recorded delivery only and marked Confidential	Tracked and recorded delivery only and marked Confidential within two separate envelopes.

	Public	Confidential	Sensitive
School-based server	No restrictions but consideration should be given to back-up requirements.	No storage or creation is permitted unless the server environment is equivalent to the school-based server or the CTU server environment.	No storage or creation permitted unless the server environment is equivalent to the school-based server or the CTU server environment.
School owned laptop	No restrictions but do not use to store master copies of vital records.	The internal storage (hard drive(s), HDDs, SSDs) must be encrypted and set to lock after five minutes of inactivity.	The internal storage (hard drive(s), HDDs, SSDs) must be encrypted and set to lock after five minutes of inactivity.
Personally owned mobile device	No restrictions	Only to be stored on devices that are encrypted and have PIN/password/Biometric access controls applied in line with the ICO BYOD guidance document.	Not permitted unless authorised by the Senior Information Risk Owner (SIRO). Only then to be stored on devices that are encrypted and have PIN/password/Biometric access controls applied in line with the ICO BYOD guidance document.
School owned desktop (public areas)	No restrictions, but always lock the screen when unattended.	Not permitted. The risk of incidental disclosure is too high.	Not permitted. The risk of incidental disclosure is too high.
School owned desktop (key/card access controlled areas)	No restrictions, but always lock the screen when unattended.	Only permitted on encrypted drives or using or password protected files. Always lock the screen when unattended.	Only permitted on encrypted drives. Always lock the screen when unattended.
School owned mobile device	No restrictions, but always lock the screen when unattended.	Only to be stored on devices that are encrypted and have PIN/password/Biometric access controls applied in line with our policy and the ICO BYOD guidance document.	Not permitted unless authorised by the SIRO. Only then to be stored on devices that are encrypted and have PIN/password/Biometric access controls applied in line with our policy and the ICO BYOD guidance document
Removable media (CDs, USB drives etc.)	No restrictions.	Encrypted storage with strong password e.g. 8 characters or longer and a mixture of uppercase, lowercase, digits and special characters.	Encrypted storage with strong password e.g. 8 characters or longer and a mixture of uppercase, lowercase, digits and special characters.
Disposal	No restrictions. Recycle where possible.	Shred or place in a confidential waste bag. Delete from electronic media when no longer required.	Cross shred only & put shredded material into the confidential waste. Appropriately scrub data from devices. Some devices (encrypted USB drives) may need to be securely destroyed. Seek advice from the IT manager.