



ENDEAVOUR
LEARNING TRUST

GDPR DATA PROTECTION POLICY

Endeavour Learning Trust

1. INTRODUCTION

Endeavour Learning Trust (ELT) is required to keep and process certain information about its students, staff parents, guardians, and other individuals, including suppliers, Trustees, Local Academy Councils (LACs) and Governors in accordance with its legal obligations under the UK General Data Protection Regulation (GDPR).

ELT is registered as a Controller with the Information Commissioner's Office and renews this registration annually. ELT's registration number is ZA462273.

Schools and organisations within the Trust may, from time to time, be required to share and process personal information about its staff, students or visitors with other organisations, mainly the LA, other schools, NHS professionals, educational bodies, and potentially social services.

This policy sets out the duties of ELT under each of the legislation provisions referred to in paragraph 2, the responsible bodies/person for compliance and the procedures that will be applied.

The purpose of this policy is to make individuals (referred to as 'data subjects' under data protection law) aware of how ELT will handle personal data of students, parents, guardians, and other individuals, including suppliers, Trustees, LACs and Governors.

Reference should also be made to our Privacy Notices which are available [here](#) and on the school websites.

2. LEGAL FRAMEWORK

This policy has due regard to legislation, including, but not limited to the following:

- The UK General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- ICO (2021) 'Guide to the UK General Data Protection Regulation (UK GDPR)'

Maintained schools also use this policy to outline the rights of students, parents, guardians and carers in relation to educational records under the Education (Pupil Information) (England) Regulations 2005.

This policy is also based on guidance published by the Information Commissioner's Office and model privacy notices published by the Department for Education.

3. ROLES AND RESPONSIBILITIES

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework for data protection and freedom of information.

The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Data Protection Officer.

4. DEFINITIONS

Term	Definition
Personal data	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identifiable
Special categories of personal data (formerly sensitive)	Data such as: <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious beliefs, or beliefs of a similar nature • Where a person is a member of a trade union • Physical and mental health • Sexual orientation and sex life • Biometric or genetic data
Criminal conviction data	Data relating to criminal convictions and offences.
Processing	This has a very wide definition and includes the following operations with personal data: Collection, Recording, Organisation, Structuring, Storage, Adaption, Retrieval, Consultation, Use, Disclosure by transmission, Dissemination or otherwise making available, Alignment or combination, Restriction, Erasure and/or Destruction.
Data subject	The living individual whose personal data is held or processed

Controller	A person or organisation that determines the purposes for which, and the manner in which, personal data is processed
Processor	A person or organisation that processes personal data on behalf of a Controller.

5. DATA PROTECTION AND EDUCATIONAL RECORDS

Data Protection Principles

ELT will comply with the six data protection principles in the GDPR, which require that personal data must be:

- processed lawfully, fairly and in a transparent manner;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purpose for which it is maintained;
- accurate and, where necessary, kept up to date ;
- not be kept in a form which permits identification for longer than is necessary for the purpose(s) for which it is processed; and
- processed in a manner that ensures appropriate security of the data.

6. FAIR, LAWFUL AND TRANSPARENT PROCESSING

ELT will only process personal data where it is based one or more of the conditions specified in the GDPR. The most common conditions we rely on to process personal data are:

Conditions for Processing which we commonly rely on	
Personal Data	Special Category Personal Data & Criminal Convictions Data
<ul style="list-style-type: none"> • The data subject has given consent to the processing for one or more specific purposes; • Processing is necessary for entering or performing a contract with the data subject; • Processing is necessary for compliance with a legal obligation to which the controller is subject; • Processing is necessary to protect the vital interests of the data subject; • Processing is necessary in order for the controller to perform a task in the public interest or for the controller's official 	<ul style="list-style-type: none"> • The data subject has given explicit consent to the processing for one or more specific purposes; • Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject;

<p>functions, and the task or function has a clear basis in law; or</p> <ul style="list-style-type: none"> • Processing is necessary for the purposes of legitimate interests pursued by the data controller or by a third party where this does not relate to our “core function” of providing education. 	<ul style="list-style-type: none"> • Processing is necessary to protect the vital interests of the data subject or of another natural person, where the data subject is physically or legally incapable of giving consent; • Processing relates to personal data which are manifestly made public by the data subject; • Processing is necessary for reasons of substantial public interest; • Processing is necessary for the establishment, exercise or defence of legal claims; or • Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services (however this condition is limited in its use to certain authorised professions as explained at Article 9(3) GDPR).
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The full list of conditions is set out in Articles 6 and 9 of the UK GDPR and the Trust may in some circumstances rely on other conditions set out in the UK GDPR or Data Protection Act 2018 to justify the processing of personal data or special category personal data. The ICO’s website also has further information about the lawful conditions for processing.

7. HOW ELT IS LIKELY TO USE PERSONAL DATA

ELT will process data about students for the following (non-exhaustive) purposes:

- for legal and administrative purposes;
- to provide education and discharge the Trust’s duty of care as an education provider;
- to provide students with a safe and secure environment and pastoral care;
- to provide activities including school trips, activity and after-school clubs;
- to support student learning;
- to monitor and report on student progress
- to provide academic and examination references;
- to enable ELT to meet the it’s legal obligations under relevant legislation and Department for Education (DfE) Guidance in force from time to time;
- to maintain educational records;
- to monitor attendance;
- to maintain health and safety records;

- to collect opinions about ability and achievements;
- to obtain and retain details about personal / home life where this is relevant to provision of education to a data subject; and,
- to share information with other agencies when required.

ELT may process special category personal data relating to students including, as appropriate:

- information about student's physical or mental health or condition (including but not limited to allergies and regular medications) in order to discharge the Trust's duty of care, provide non-emergency and emergency medical assistance and for special educational needs provision;
- provide applicable provision under an Education Health and Care Plan/Statement of Special Educational Needs;
- the student's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation or to ensure that religious or similar beliefs are respected; and/or,
- in order to comply with other legal requirements and obligations to third parties.

ELT may process data about parents, guardians, carers and other individuals including suppliers, Trustees, LACs and Governors for the purpose of;

- providing education to students;
- reporting on student progress;
- maintaining emergency contact details in order to discharge ELT's duty of care as an education provider;
- organise training courses;
- obtain and retain details about personal / home life where this is relevant to provision of education to students; and
- discharge obligations under safeguarding and other relevant legislation.
- It is very unlikely that ELT will process sensitive personal data relating to parents, guardians, carers and other individuals (including suppliers and governors). However, where this may be necessary, it may include, as appropriate:
 - the parent, guardian, carer or other individual's racial or ethnic origin or religious or similar information in order to monitor compliance with equal opportunities legislation;
 - when there is relevant medical information needed for health and safety purposes including allergy information; and/or,
 - in order to comply with other legal requirements and obligations to third parties.

8. PROCESSING FOR SPECIFIED, EXPLICIT AND LEGITIMATE PURPOSES

ELT will only process personal data for the specific, explicit and legitimate purpose or purposes notified to data subjects and will not be further processed in any manner incompatible with that purpose or purposes.

9. ADEQUATE, RELEVANT AND LIMITED TO WHAT IS NECESSARY

Personal data will only be processed to the extent that it is relevant and necessary for the specific purposes notified to the data subject.

10. ACCURATE AND WHEN NECESSARY, KEPT UP TO DATE

ELT will keep the personal data the Trust stores about a data subject accurate and when necessary, kept up to date. Data that is inaccurate or out of date will be corrected or deleted without delay. Data subjects should notify ELT if any personal details change or if the data subject becomes aware of any inaccuracies in the personal data ELT hold about him/her.

11. DATA RETENTION

ELT will not keep personal data for longer than is necessary for the purpose for which it is processed. Sometimes we are required by law to retain information for a specified period. After the retention period has lapsed, and there is no other legitimate reason to retain the information, ELT will take steps to destroy it so that it is no longer processing it.

ELT follows the IRMS retention guidance. It is designed to ensure personal data is deleted after a reasonable time, unless a law requires such personal data to be kept for a minimum time.

12. DATA SECURITY

ELT will ensure that appropriate measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. Appropriate measures include:

- ◇ Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.
- ◇ Confidential paper records will not be left unattended or in clear view anywhere with general access.
- ◇ Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up.
- ◇ Where data is taken from the school network and saved on a removable storage or a portable device, the device will be password protected / encrypted.
- ◇ Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.
- ◇ All electronic devices are password-protected to protect the information on the device in case of theft.

- ◇ Where possible, ELT enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- ◇ All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- ◇ Consideration should be given when sending emails that contain sensitive or confidential information. They should be password-protected if there are unsecure servers between the sender and the recipient. Key staff have access to a secure encrypted email facility.
- ◇ Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.
- ◇ When sending confidential information by email and fax, staff will always check that the recipient is correct before sending.
- ◇ Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key or on their possession. The person taking the information from ELT premises accepts full responsibility for the security of the data.
- ◇ Before sharing data, all staff members will ensure:
 - they are allowed to share it.
 - that adequate security is in place to protect it.
 - who will receive the data has been outlined in a privacy notice.
- ◇ Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of ELT containing sensitive information are supervised at all times.
- ◇ The physical security of ELT's buildings and storage systems, and access to them, is regularly reviewed. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- ◇ ELT takes its duties under the UK GDPR seriously and any unauthorised disclosure may result in disciplinary action.
- ◇ The DPO and Network Manager will make sure continuity and recovery measures are in place to ensure the security of protected data.

13. SHARING INFORMATION WITH THIRD PARTIES

ELT has in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. ELT will only transfer personal data to

a third party the third party agrees to comply with those procedures and policies, or if he puts in place adequate measures himself.

Where the ELT uses a third party processor to process personal data on its behalf, it will have in place a written agreement with each processor which meets the requirements of Article 28 UK GDPR.

Details of who ELT routinely shares student information with is included in [the Privacy Notice For Students At Endeavour Learning Trust](#)

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

ELT will share information with multiple agencies which are formed as a team around a child or young person. These agencies will be controllers and be subject to the same obligations under data protection law as ELT is. ELT will be under a legal obligation to share most of the information that is relevant to the multi-agency team or will be required to do so in the performance of the school's public task.

ELT is also legally required to pass certain information about students to specified external bodies, such as our local authority and the Department for Education (DfE), so that they are able to meet their statutory obligations. This data sharing underpins school funding and educational attainment policy and monitoring. Further details are included in the [the Privacy Notice For Students At Endeavour Learning Trust](#)

ELT will only transfer any personal data we hold to a country outside the European Economic Area ("EEA"), provided that one of the following conditions applies:

- the country ensures an adequate level of protection for the individuals' rights and freedoms;
- the individual has given consent;
- the transfer is necessary for one of the conditions set out in the UK GDPR (e.g. for the performance of a contract between us and the individual, or to protect the vital interests of the individual);
- the transfer is legally required on important public interest grounds or for the establishment, exercise or defence of legal claims; or
- the transfer is authorised by the Information Commissioner where we have adduced adequate safeguards with respect to the protection of the data subjects' privacy, their fundamental rights and freedoms, and the exercise of their rights.

14. PROCESSING IN LINE WITH SUBJECT ACCESS RIGHTS

Individuals have the following rights:

Right	What it is for?
To be informed	This policy and any accompanying privacy notices set out the information about how ELT processes personal data about students and parents. It will be reviewed annually to ensure we are as transparent as possible about the personal data that we process.
Rectification	If ELT is processing an inaccurate record about an individual they have the right to request that we review it and rectify it so as to make it accurate. This only extends to factual information being processed about an individual.
Erasure	If the ELT has no compelling reason to process data about an individual, there is a right for the data to be erased and processed no further. This is not an absolute right and ELT will consider requests on a case by case basis.
Restrict processing	This right complements the right to rectification. Processing of personal data can be restricted whilst ELT considers if any records are inaccurate or an objection has been raised about the personal data that it is processing.
Data portability	<p>This enables individuals to seek (in certain circumstances) for information which they have provided to ELT and which is being processed through automated means based on their consent or for the performance of a contract to have it transmitted in machine readable form to the individual or a third party.</p> <p>It is unlikely that this right will apply to the information which ELT processes about parents and students. It could extend to images processed by ELT when the lawful condition relied upon is consent.</p>

<p>To object</p>	<p>When ELT is processing personal data about students's and parents for the performance of a task in the public interest those individuals have the right to object to processing. ELT will consider any objection but may be able to demonstrate a legitimate ground to continue to process the personal data concerned.</p>
<p>To know about any automated decision making and profiling</p>	<p>ELT will inform individuals when it uses any automated decision making processes. Individuals are entitled to request that automated decisions involving them are reviewed by human intervention. We profile students' performance to ensure that the school can meet their educational needs.</p>

15. SUBJECT ACCESS REQUESTS

Under the data protection law, students and individuals have a right to request access to information ELT holds about them. This is known as a subject access request.

All requests will be responded to without delay and at the latest, within **one month of receipt**.

In the event that a large quantity of information is being processed about an individual, ELT will ask the individual to specify the information the request is in relation to.

Secondary academies only - for a parent to make a subject access request on behalf of a student, the student must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Primary/early years' settings only - parents can exercise a pupil's rights of access on their behalf due to their age and lack of understanding of the rights afforded over their personal information.

Maintained schools only - subject access requests for all or part of the student's educational record will be provided in accordance with the paragraphs below.

Subject access requests must be submitted in writing, either by letter, or email to the ELT Data Protection Officer. Requests should include:

- the pupil's name
- a correspondence address
- a contact number and email address
- details about the information requested to assist ELT to confirm if the personal data is being processed and to provide a copy within the time period afforded.

ELT will not reveal the following information in response to subject access requests:

- information that might cause serious harm to the physical or mental health of the student or another individual
- information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- information contained in adoption and parental order records
- certain information given to a court in proceedings concerning the child
- third party personal data where there is no consent to disclose this in response to a subject access request and it would not be reasonable in the circumstances to do so.

If the request is complex or numerous ELT has the right to determine that up to a further 2 months is required to respond to a subject access request. The DPO will write to the data subject within a month of their written request to set out the reasons why the time is being extended.

If the request is determined to be manifestly unfounded or excessive, ELT has the right to either charge a fee to reflect the administrative costs of providing the response or to refuse to provide a response. In the event that such a determination is made, the DPO will write to set out the reasons within a month of the written request being made.

MAINTAINED SCHOOLS ONLY - Requests under the Education (Pupil Information) (England) Regulations 2005

Parents and guardians of students at maintained schools also have, in addition to the rights outlined at paragraphs 14 and 15 above in relation to their own personal data, a right of access to their child / children's educational record.

The right outlined below will exist if a parent's child or children are unable to act on their own behalf to make the request, or if they have given permission for the request to be made on their behalf. As a general principle, children aged 13 or over are expected to be able to make such requests themselves under paragraph 14 but each case will be considered individually.

'Educational records' include information that comes from a teacher or other staff members of a local authority or school, the student or a parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. An educational record will therefore contain records of a student's academic achievements as well as correspondence from teachers, local education authority employees and any educational psychologists engaged by the school's governing body. It may also include information from the child and from the data subject, as a parent, guardian or carer.

Information provided by the parent of another child does not form part of a child's educational record.

A request for a child or children's educational record should be made in writing to the governing body, who will have **15 school days** to respond.

Requests to view educational records will not attract a fee, but if it costs the school money to provide a parent with a copy of a child or children's educational record, this cost will be passed on to him/her in accordance with the cost regime set out in law (see the ICO's subject access code of practice for more information).

The School can withhold a child or children's educational record under certain circumstances (for example, if it would cause serious harm to the mental or physical health of the school's student or another individual).

A request will also be refused if it relates to examination results that are not yet announced.

16. DATA PROTECTION OFFICER (DPO)

A DPO has been appointed in order to:

- inform and advise the trust and its employees about their obligations to comply with the UK GDPR and other data protection laws.
- monitor the trust's compliance with the UK GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.

The DPO will report to the highest level of management at the school, which is the Executive Headteacher.

The DPO will operate independently and will not be dismissed or penalised for performing their task.

Sufficient resources will be provided to the DPO to enable them to meet their UK GDPR obligations.

17. CONSENT

Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

Where consent is given, a record will be kept documenting how and when consent was given.

ELT ensures that consent mechanisms meet the standards of the UK GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.

Consent accepted under the DPA will be reviewed to ensure it meets the standards of the UK GDPR; however, acceptable consent obtained under the DPA will not be reobtained.

Consent can be withdrawn by the individual at any time.

Where a child is under the age of 16 the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

When gaining student consent, consideration will be given to the age, maturity and mental capacity of the student in question. Consent will only be gained from students where it is deemed that the student has a sound understanding of what they are consenting to.

18. PRIVACY BY DESIGN AND PRIVACY IMPACT ASSESSMENTS

ELT will adopt a privacy by design approach and implementing technical and organisational measures which demonstrate how ELT has considered and integrated data protection into processing activities.

Data Protection Impact Assessments (DPIAs) will be used to identify the most effective method of complying with ELT's data protection obligations and meeting individuals' expectations of privacy.

DPIAs will allow ELT to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to ELT's reputation which might otherwise occur.

A DPIA will be used when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.

A DPIA will be used for more than one project, where necessary.

17. DATA BREACHES AND COMPLAINTS

If an individual considers that this policy has not been followed in respect of personal data about a data subject he/she should raise the matter with the DPO in the first instance.

Compliance with data protection law is regulated by the Information Commissioner. In the event that you are not satisfied with the way in which ELT is processing your personal data and you are not content with the response from our DPO, you have the right to refer your concerns to the Information Commissioner's Office ("ICO"). You can contact the ICO at <https://ico.org.uk/concerns/> or via its helpline number which is available on its website.

The Executive Headteacher will ensure that all staff members are made aware of, and understand, what constitutes as a data breach as part of their continuous development training.

The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual, ELT will notify those concerned directly.

19. PUBLICATION OF INFORMATION

ELT publishes a Publication Scheme on its website outlining classes of information that will be made routinely available, including:

- policies and procedures
- minutes of meetings
- annual reports
- financial information

Information specified in the publication scheme will be made available on request.

ELT will not publish any personal information, including photos, on its website without the permission of the affected individual.

20. CCTV AND PHOTOGRAPHY

ELT understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.

ELT will always indicate its intentions for taking photographs of students and will obtain consent before publishing them. ELT regularly take photographs/videos/webcam images of the students whilst at school or away from the school site to celebrate school life. The Academy may also employ a professional photography company to take images of students. Consent for the use of these images is obtained by the completion of the Parental Photographic & Video Consent Form.

Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the UK GDPR.

POLICY REVIEW

This policy is reviewed annually by the Executive Headteacher, Chair of Trustees and the DPO.

Signed by:			
Mrs L Gwinnett	Executive Headteacher	Date	March 2021
Mrs H Dicker	Chair of Trustees		