



Scotforth St Paul's C of E Primary & Nursery School

"Let faith be your shield"

Scotforth St Paul's Primary and Nursery School

Scotforth Road

Lancaster

LA1 4SE

Tel: 01524 65379

Head Teacher: Mrs A. Aylott

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Data Protection Policy

Designated SLT	Deputy SLT	DPO	Nominated Governor	Chair of Governors
A.Aylott	S.Huddleston	A.Malin		K.Weatherill

Head Teacher	Sign & Date	<i>A.Aylott</i>
Chair of Governing Board	Sign & Date	<i>K.Weatherill</i>

Next Review Date	Oct 2021
Committee Responsible	Governing Body
Document locations	Shared Drive

1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the Data Protection Act 1998 (DPA 1998), the General Data Protection Regulation (GDPR) and the provisions of the Data Protection Act 2018 (DPA 2018).

The policy reflects the Information Commissioner's Office (ICO) code of practice for the use of surveillance cameras and personal information. In addition, this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005, which gives parents the right of access to their child's educational record.

This policy applies to all personal data, regardless of whether it is stored in a paper based filing system, electronic format or on a computer.

2. Definitions

TERM	DEFINITION
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• Name (including initials)



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	<ul style="list-style-type: none"> • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
Sensitive Personal Data	<p>Personal data which is more sensitive and so needs more protection, including information about individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political options • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health-physical or mental • Sex life or sexual orientation • Whether a person has committed, or is alleged to have committed, an offence • Criminal convictions
Processing	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.</p>
Data subject	<p>The identified or identifiable living individual whose personal data is held or processed. A data subject need not be a UK national or resident.</p>
Data controller	<p>A person or organisation that determines the purposes and the manner in which any personal data is processed.</p>
Data processor	<p>A person or organisation, other than an employee, who processes data on behalf of the data controller.</p>
Data User	<p>Data users include employees whose work involves using personal data. Data users have a duty to protect the information they handle by</p>



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	following our data protection and security policies at all times.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

3. The data controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller. The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

4. Roles and responsibilities

This policy applies to all staff employed by our school, and to Governors, external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action. Data users have a duty to protect the information they handle by following our data protection and security policies at all times

4.1 Governing Body

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

4.2 Data protection officer

The Data Protection Officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable. They will provide an annual report of their activities directly to the Governing Body and, where relevant, report to the Governor's their advice and recommendations on school data protection issues. The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

4.3 Headteacher

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

4.4 All staff



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Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - * With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - * If they have any concerns that this policy is not being followed or if they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - * If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - * If there has been a data breach
 - * Whenever they are engaging in a new activity that may affect the privacy rights of individuals
 - * If they need help with any contracts or sharing personal data with third parties

5. Data protection principles

The GDPR is based on data protection principles that our school must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Processed for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date and that all reasonable steps are taken to ensure that inaccurate personal information is deleted or corrected without delay
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure to prevent unauthorised or unlawful processing and against accidental loss, destruction or damage

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



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6. Collecting personal data

6.1 Lawfulness, fairness and transparency

The Data Protection Legislation is intended not to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The data subject must be told who the data controller is, the purpose for which the data is to be processed, the lawful basis for processing it and the identities of anyone to whom the data may be disclosed or transferred in accessible a privacy policy.

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**. For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018. If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent (except for online counselling and preventive services).
- The data needs to be processed so that the school can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the data subject or another natural person (e.g. to protect someone's life)
- The data needs to be processed so that the school, as a public authority, can perform a task in the public interest, and carry out its official functions
- The data needs to be processed for the legitimate interests of the school or a third party (provided the individual's rights and freedoms are not overridden)

6.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary. Staff must only process personal data where it is necessary in order to do their jobs. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record retention schedule and DPO.



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7. Processing personal data

Personal data may only be processed for the specific purposes notified to the data subject when the data was first collected or for any other purposes specifically permitted by the Data Protection Legislation. This means that personal data must not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the data is processed, the data subject must be informed of the new purpose before any processing occurs.

From time to time there may be a need to process sensitive personal information. We will only process sensitive personal data if:

- we have a lawful basis for doing so as set out above (e.g. it is necessary for the performance of the contract, to comply with the Firm's legal obligations or for the purposes of the Firm's legitimate interests) and

- one of the special conditions for processing sensitive personal information applies, e.g.:

- the data subject has given explicit consent;

- the processing is necessary for the purposes of exercising legal rights or obligations of the school or the data subject;

- the processing is necessary to protect the data subject's (or another natural person's) vital interests, and the data subject is physically incapable of giving consent;

- processing relates to personal data which are manifestly made public by the data subject;

- the processing is necessary for the establishment, exercise or defence of legal claims; or

- the processing is necessary for reasons of substantial public interest.

7.1 Research and statistical purposes

As long as personal data is sufficiently anonymised or consent has been provided then it is possible to share data for these purposes.

7.2 Transfer of Data outside of the UK

Where we transfer personal data to a country or territory outside of the United Kingdom, we will do so in accordance with data protection law.

8. Accurate data

8.1 Personal data must be accurate and kept up to date. Information which is incorrect or misleading is not accurate and steps should therefore be taken to check the accuracy of any personal data at



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the point of collection and at regular intervals afterwards. Inaccurate or out-of-date data should be destroyed. Individuals may ask that we correct inaccurate personal data relating to them. If the data controller believe that information is inaccurate this should be recorded and the firm's Data Protection Officer informed.

8.2 Personal data should not be kept longer than is necessary for the purpose. This means that data should be destroyed or erased from systems when it is no longer required. What is necessary will depend on the circumstances of each case, taking into account the reasons that the personal data was obtained, but should be determined in a manner consistent with the record retention schedule and in conjunction with advice from the DPO.

9. Subject access requests and other rights of individuals

9.1 Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation as to how, why and on what basis their personal data is being processed
- Access to a copy of the data and right to have data corrected if it is inaccurate or incomplete
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period. Individuals have the right to have data erased if it is no longer necessary for the purpose for which it was originally collect/processed.
- The source of the data, if not the individual, although care should be taken not to breach the rights of the individual who has provided the information, so it would be advisable to seek consent before sharing.
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

9.2 Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested



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If staff receive a subject access request they must immediately forward it to the DPO.

9.3 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent. Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.4 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge although if the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or onerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

9.5 Circumstances for non-disclosure

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- is contained in adoption or parental order records
- is given to a court in proceedings concerning the child



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When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

11. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's code of practice for the use of CCTV. We do not need to ask individuals' permission to use



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CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

12. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school. We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

13. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance at such training
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant



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- Maintaining records of our processing activities, including making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data.

14. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment.
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

15. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

16. Personal data breaches



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The school will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1. When appropriate, we will report the data breach to the ICO without undue delay and where possible within 72 hours. The affected individuals should be notified if a data breach is likely to result in a high risk to their rights and freedoms and notification is required by law.

A data breach may take many different forms, for example:

- loss or theft of data or equipment on which personal information is stored;
- unauthorised access to or use of personal information either by a member of staff or third party;
- loss of data resulting from an equipment or systems (including hardware and software) failure;
- human error, such as accidental transfer, deletion or alteration of data;
- unforeseen circumstances, such as a fire or flood;
- deliberate attacks on IT systems, such as hacking, viruses or phishing scams; and
- 'blagging' offences, where information is obtained by deceiving the organisation which holds it.
- A non-anonymised dataset being published on the school website or similar
- Safeguarding information being made available to an unauthorised person
- Non-anonymised pupil exam results or staff pay information being shared with Governors
- The school's cashless payment provider being hacked and parents' financial details stolen

All members of staff have an obligation to report actual or potential data protection compliance failures immediately. This allows:

- investigation of the failure and remedial steps if necessary
- maintenance of a register of compliance failures
- notification to the Information Commissioner's Office (ICO) or data subjects if it is appropriate to do so

16.1 Training

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



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17. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy. This policy will be reviewed every 2 years and shared with the full Governing Body.

18. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme and CCTV Policy

Appendix 1

Personal data breach procedure

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred.

As part of the investigation the DPO will consider/carry out the following action:

- a. Whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- b. The DPO will alert the Headteacher and the Chair of Governors
- c. The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- d. The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- e. The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to



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negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:

- Loss of control over their data
- Identification of theft or fraud
- Unauthorised reversal of pseudonymisation (for example, key-coding)
- Damage to reputation
- Any other significant economic or social disadvantage to the individual(s) concerned

If it is likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- f. The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on the school's computer system.
- g. Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- h. If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- i. The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned



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- j. The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- k. The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored set out where you will keep these records – for example, on the school's computer system.

- l. The DPO and Headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records):

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it
- In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request



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