



## Data Protection Policy

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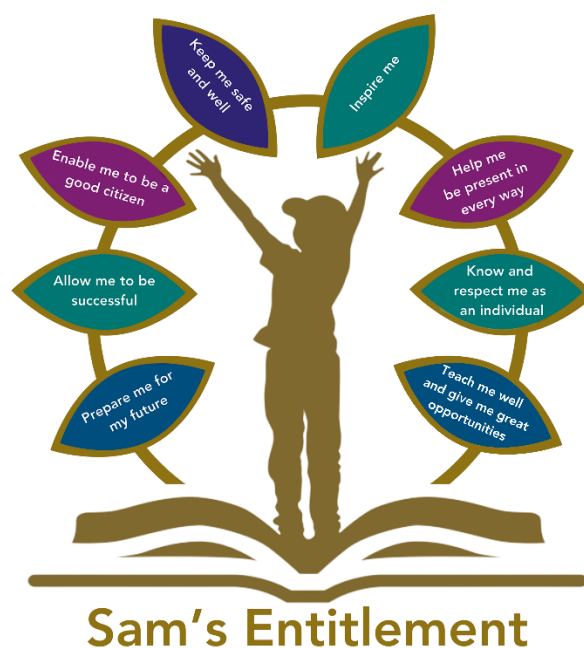


## History of Policy Changes

Date	Page	Change	Origin of Change
Nov 25	All	References to Governing Body changed to Local Governing Committee (LGC).	Annual Review (including adoption of some elements of Browne Jacobson template)
	All	References to Headteacher changed to School Leader.	
	All	References to Clerk changed to Governance Professional.	
	4	Updated section, Definitions	
	13	New section (17. Complaints) to separate data protection complaints from our main HET Complaints Policy	
	14 to 16	Consent forms have been updated	

## Contents

1. Policy Statement .....	3
2. Scope.....	4
3. Definitions .....	4
4. Data Protection Officer (DPO).....	5
5. Our data protection commitments .....	6
6. Data protection principles.....	6
7. Legal grounds for processing.....	7
8. Data subjects' rights.....	9
9. Data Security .....	10
10. Data Projection Impact Assessments (DPIA's) .....	10
11. Personal data breaches .....	11
12. Disclosure and sharing of personal information .....	11
13. Data processors.....	11
14. Images and videos.....	12
15. CCTV .....	12
16. Biometric data.....	13
17. Complaints .....	13
18. Changes to this policy .....	13
19. Link to other HET policies .....	13
20. Annex 1: Parent and Carers Consent Form .....	<b>Error! Bookmark not defined.</b>
21. Annex 2: Staff Consent Form.....	<b>Error! Bookmark not defined.</b>
28. Further information (if applicable) .....	<b>Error! Bookmark not defined.</b>
29. Link to other HET policies (in alphabetical order).....	<b>Error! Bookmark not defined.</b>
30. Appendices (delete if not applicable) .....	<b>Error! Bookmark not defined.</b>



## 1. Policy Statement

At Hamwic Education Trust (HET), we are committed to the protection of all personal data and special category personal data for which we are the data controller.

Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities as a Multi Academy Trust we will collect, store and **process personal data** about our pupils, workforce, parents and others.

We are committed to the protection of all **personal data** and **special category personal data**, and this policy sets out how we comply with relevant legislation. Breaches of this policy can result in the risk of real harm to individuals, action for damages, loss of trust and reputational harm as well as regulatory penalties, including fines.

All **data users** must comply with this policy when **processing personal data** on our behalf. Any breach of this policy may result in disciplinary or other action. Individuals may be prosecuted for committing offences under sections 170-173 of the Data Protection Act 2018.

Where members of our workforce have a specific responsibility in connection with **processing**, such as capturing consent, reporting a personal data breach or conducting a Data Protection Impact Assessment (DPIA) or otherwise, then they must comply with the related HET policies and privacy guidelines.

## 2. Scope

The types of **personal data** that we may be required to handle include information about pupils, parents, our workforce, and others that we deal with.

The **personal data** which we hold is subject to certain legal safeguards specified in the retained EU **law** version of the General Data Protection Regulation ((EU)2016/679) ('UK GDPR'), the Data Protection Act 2018 and other regulations (together 'Data Protection Legislation').

This policy and any other documents referred to in it set out the basis on which we will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources.

This policy does not form part of any employee's contract of employment and may be amended at any time.

This policy sets out rules on data protection and the legal conditions that must be satisfied when we process **personal data**.

## 3. Definitions

All defined terms in this policy are indicated in bold text, and a list of definitions is included in the Annex to this policy.

- **'HET'**, refers to the central operations of the Hamwic Education Trust alongside any HET school within our Multi Academy Trust.
- **Biometric Data**, information about a person's physical or behavioural characteristics or features that can be used to identify them and is obtained or recorded for the purposes of a biometric recognition system and can include fingerprints, hand shapes, features of the eye or information about a person's voice or handwriting
- **Biometric Recognition System**, a system that operates automatically (electronically) and:
  - Obtains or records information about a person's physical or behavioural characteristics or features; and
  - Compares or otherwise processes that information with stored information in order to establish or verify the identity of the person or otherwise determine whether they are recognised by the system
- **DCO**, Data Compliance Officer in each school (see section 4)
- **DPO**, Data Protection Officer for HET (see section 4)
- **Data**, information which is stored electronically, on a computer, or in certain paper-based filing systems.
- **Data Subjects**, for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
- **Personal Data**, means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.



- **Data Controllers**, people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes.
- **Data Users**, those of our workforce (including Governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
- **Data Processors**, any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
- **Image**, an image includes any visual representation such as a photograph, video recording or CCTV footage, in which a person can be directly or indirectly identified.
- **Processing**, any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.
- **Special Category Personal Data**, information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, sexual orientation or genetic or Biometric Data.
- **Workforce**, any individual employed by HET such as staff and those who volunteer in any capacity including Trustees / Members/ local governors / parent helpers

#### 4. Data Protection Officer (DPO)

As a Trust, we are required to appoint a Data Protection Officer ("DPO"). HET's DPO is Gemma Carr, Deputy CEO, who can be contacted in the following ways:

Email: [compliance@hamwic.org](mailto:compliance@hamwic.org)

Telephone: 023 8078 6833

Address: Hamwic Education Trust, Unit E, The Mill Yard, Nursling Street, Southampton, Hampshire SO16 0AJ

The DPO is responsible for ensuring compliance with the **Data Protection Legislation** and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred to the DPO. The DPO is also the central point of contact for all data subjects and others in relation to matters of data protection

The HET Board can delegate the day-to-day responsibility for monitoring compliance with the data protection rules and this policy to the School Leader in each school; they will appoint a **Data Compliance Officer** ("DCO").

Although the DPO will have overall responsibility for monitoring the compliance of HET with the data protection rules of this policy, the DCO will be responsible within their school for the following tasks:

- Ensuring that individuals are made aware of the privacy notices as and when any information is collected.
- Checking the quality and accuracy of the information held by the school.



- Applying the HET's records retention policy to ensure that information is not held longer than necessary.
- Ensuring that when information is authorised for disposal, it is done so appropriately.
- Ensuring that appropriate security measures are in place to safeguard personal information, whether it is held in paper files or electronically.
- Only sharing personal information when it is necessary, legally appropriate to do so and in accordance with the Privacy Notices.
- Ensuring that staff in the school are aware of this policy and are following it.

The first point of contact is the Data Compliance Officer for your school; their contact details are:  
Liane Taylor    liane.taylor@sholing-jun.co.uk

If the DCO is unavailable, you should contact the HET DPO.

All HET staff are responsible for ensuring that:

- Any personal data that they hold is kept securely.
- Personal information is not disclosed orally, in writing, via web pages or by any other means, accidentally or otherwise, to any unauthorised third party.
- Information or data about pupils is only shared with other staff as necessary and only by secure methods (such as the secure email provider); and
- Any additional associated HET policies and documents are complied with.

## 5. Our data protection commitments

- We are dedicated to ensuring that **personal data** is processed in alignment with the legal principles of data protection.
- We implement a strategy focused on "Data Protection by Design and Default".
- We can prove our adherence to **data protection legislation**.
- **Data subjects** are well-informed about how and why we use their data, and they can exercise their rights regarding their data.
- We share **personal data** only when it is fair and lawful, ensuring that any data sharing is conducted securely.
- We handle and report all **personal data breaches**, including minor ones, effectively to mitigate any potential risks and to improve our practices.

## 6. Data protection principles

Anyone processing personal data must comply with the data protection principles. We will comply with these principles in relation to any **processing of personal data** by HET.

The principles provide that personal data must be:

- **Processed** fairly and lawfully and transparently in relation to the data subject. This means that we only use personal data with respect for the individual who it relates to, in line with the legal grounds for processing and we inform data subjects how their data is processed including, among other ways, in our privacy notices.



- **Processed** for specified purposes and in a way which is not incompatible with those purposes. This means that if we collect data for one purpose and then need to use it for another reason, we will ensure that new purpose is compatible with the original reason for processing.

Adequate, relevant and not excessive for the purpose. This means that we will collect enough information to achieve our aim, whilst minimising that collection to what is genuinely required.

Accurate and up to date. This means that we will try to ensure that data is accurate when we collect it and kept up to date over time.

Not kept for any longer than is necessary for the purpose. This means that we only keep personal data for as long as it is necessary and we comply with our Records Management Policy.

**Processed** securely using appropriate technical and organisational measures. Our measures include: technical safeguards like security of ICT systems, control over ICT access, the use of pseudonyms, and encryption; as well as organisational safeguards including plans for business continuity, securing our premises and data physically, implementing policies and procedures, conducting regular training, and carrying out audits and evaluations of operational measures and strategic oversight of compliance.

Personal Data must also:

- be processed in line with data subjects' rights.
- not be transferred to people or organisations situated in other countries without adequate protection.

## 7. Legal grounds for processing

For **personal** data to be **processed** lawfully, it must be processed based on one of the legal grounds set out in the data protection legislation.

We will normally process personal data under the following legal grounds.

- where the **processing** is necessary for the performance of a contract between us and the **data subject**, such as an employment contract.
- where the **processing** is necessary to comply with a legal obligation that we are subject to.
- where the law otherwise allows us to **process** the **personal data** or we are carrying out a task in the public interest.
- where we are pursuing legitimate interests, (or these are being pursued by a third party), for purposes where they are not overridden because the **processing** prejudices the interests or fundamental rights and freedoms of **data subjects**.
- where the **processing** is necessary for the purposes of a recognised legitimate interest as set out in Annex 1 of the GDPR and where none of the above apply then we will seek the consent of the data subject to the processing of their **personal data**.

When **special category personal data** is being processed then an additional legal ground must apply to that processing. We will normally only process **special category personal data** under following legal grounds:

- where the **processing** is necessary for employment law purposes, for example in relation to sickness absence.
- where the **processing** is necessary for reasons of substantial public interest, for example for the purposes of equality of opportunity and treatment.



- where the **processing** is necessary for health or social care purposes, for example in relation to pupils with medical conditions or disabilities; and
- where none of the above apply then we will seek the explicit consent of the data subject to the **processing** of their **special category personal data**.

We will inform **data subjects** of the above matters by way of appropriate **privacy notices** which shall be provided to them when we collect the data or as soon as possible thereafter unless we have already provided this information such as at the time when a pupil joins us.

If any **data user** is in doubt as to the legal ground for processing, then they must contact the DPO before doing so.

### Vital Interests

There may be circumstances where it is considered necessary to **process personal data** or **special category personal data** to protect the vital interests of a **data subject**. This might include medical emergencies where the **data subject** is not able to give consent to the **processing**. We believe that this will only occur in very specific and limited circumstances.

In such circumstances we would usually seek to consult with the DPO in advance, although there may be emergency situations where this does not occur.

### Consent

Where none of the other bases for **processing** set out above apply then the school must seek the consent of the **data subject** before **processing** any personal data for any purpose.

There are strict legal requirements in relation to the form of consent that must be obtained from **data subjects**.

When pupils and or our Workforce join HET, a consent form will be required to be completed in relation to them (see Appendix 2 and 3). This consent form deals with the taking and use of photographs and videos of them, amongst other things. Where appropriate third parties may also be required to complete a consent form.

We will obtain written consent for photographs and videos to be taken of our pupils 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.

In relation to pupils, consent will be obtained from an individual with parental responsibility for that child.

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.

If consent is required for any other **processing** of **personal data** of any **data subject**, then the form of this consent must:

- Inform the **data subject** of exactly what we intend to do with their **personal data**.
- Require them to positively confirm that they consent – we cannot ask them to opt-out rather than opt-in; and
- Inform the **data subject** of how they can withdraw their consent.



Any consent must be freely given, which means that we cannot make the provision of any goods or services or other matter conditional on a **data subject** giving their consent.

Consent may need to be refreshed where we may need to process the Personal Data for a different and incompatible purpose which was not disclosed when the consent was first considered by the Data Subject.

The DPO must always be consulted in relation to any consent form before consent is obtained.

A record must always be kept of any consent, including how it was obtained and when.

## 8. Data subjects' rights

In addition to the right to be informed and the right to withdraw consent, we will process all **personal data** in line with **data subjects'** rights, in particular their right to:

- request access to any **personal data** we hold about them.
- object to the **processing** of their **personal data**, including the right to object to direct marketing.
- have inaccurate or incomplete **personal data** about them rectified.
- restrict processing of their personal data.
- have **personal data** we hold about them erased.
- object to the making of decisions about them by automated means.

The rights available to **data subjects** will depend on the lawful basis for processing, for example, where **personal data** is **processed** under the lawful basis of public task, then the **data subject** cannot withdraw consent for such processing, but they exercise the right of objection.

Except for the right to object to direct marketing, other rights requests in an education or employment context can be complex. We will comply with our obligations under **data protection laws** and the guidance given by the **ICO** in respect of individuals seeking to exercise their rights.

We will consider **data subject** requests and provide a response within one month, except if we consider the issue to be too complex to resolve within that period then we may extend the response period by a further two months. If this is necessary, then we will inform the **data subject** within one month of their request that this is the case.

Where we are unable to grant **data subjects** any requests made as part of their rights, for example, where we are unable to delete data as we are required to retain it in relation to any claim or legal proceedings, we will explain to the **data subject** why this is the case. In those circumstances we will inform the **data subject** of their right to complain to the ICO at the time that we inform them of our decision in relation to their request.

The DPO must be consulted in relation to any **data subject** rights requests.

### The Right of Access to Personal Data

Data subjects may request access to personal data we hold about them. Such requests will be considered in line with the HET Subject Access Request Procedure; a copy is available upon request.



## 9. Data Security

We will take appropriate security measures against unlawful or unauthorised **processing of personal data**, and against the accidental loss of, or damage to, **personal data**.

We will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

Security procedures include:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain **personal data** are stored securely when not in use within locked offices or locked cabinets.
- 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.
- There are entry controls in all schools and any non-authorised person seen in an entry-controlled area will be challenged by a member of staff.
- Desks and cupboards should be kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)
- Paper documents/records containing confidential or sensitive information should be securely disposed of in line with our Record and Retention Policy).
- Digital storage devices should be physically destroyed when they are no longer required. IT assets must be disposed of in accordance with the Information Commissioner's Office (ICO) guidance on the disposal of IT assets.
- Staff, pupils or governors who store personal information on any personal devices are expected to follow the same security procedures as for school-owned equipment. See HET specific online safety policy / ICT policy / acceptable IT use agreement / policy on acceptable use of IT.
- HET staff are encouraged to utilise the HET Cloud storage solution rather than removable media storage.
- 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.
- **Data users** must ensure that individual monitors do not show confidential information to passers-by and that they log off from their PC when it is left unattended.
- Documents containing **personal data** must be collected immediately from printers and not left on photocopiers.

Any member of staff found to be in breach of the above security measures may be subject to disciplinary action.

## 10. Data Projection Impact Assessments (DPIA's)

HET takes data protection very seriously and will consider and comply with the requirements of **data protection legislation** in relation to all of its activities whenever these involve the use of personal data, in accordance with the principles of data protection by design and default.

In certain circumstances the law requires us to carry out detailed assessments of proposed processing in a **Data Protection Impact Assessment ("DPIA")**. This includes where we intend to use



new technologies which might pose a high risk to the rights of **data subjects** because of the types of data we will be **processing** or the way that we intend to do so.

We will complete a **DPIA** for such proposed **processing**; HET has a template document which ensures that all relevant matters are considered.

The HET DPO should always be consulted as to whether a **DPIA** is required, and if so how to undertake that assessment.

## 11. Personal data breaches

HET recognises that a breach of **personal data** could happen, despite our policies, procedures and measures in place to protect **personal data**, and we will respond to any breach as quickly as possible in order to minimise any risks or potential harm to individuals.

HET's Data Breach Procedure supports this policy and must be followed in relation to any actual or suspected breach of personal data; a copy is available on request.

## 12. Disclosure and sharing of personal information

We may share **personal data** that we hold about **data subjects**, and without their consent, with other organisations. Such organisations include the Department for Education, Education and Skills Funding Agency "ESFA", Ofsted, health authorities and professionals, the Local Authority, examination bodies, other schools, and other organisations where we have a lawful basis for doing so.

HET will inform **data subjects** of any sharing of their **personal data** unless we are not legally required to do so, for example where **personal data** is shared with the police in the investigation of a criminal offence.

Where necessary we will enter into data sharing agreements to help facilitate the safe sharing of **personal data**.

In some circumstances we will not share safeguarding information. Please refer to our Safeguarding and Child Protection Policy.

## 13. Data processors

We contract with various organisations who provide support and services to HET, including the following: Local Authorities, the Department for Education (DfE), Health and Social Welfare organisations, Law enforcement agencies, Police, Courts, Tribunals, Ofsted, MIS Provider, Payroll Provider, Caterers, Library Services, Cloud Storage Services, Communication Tools, Software Providers and Online Learning Platforms.

In order that these services can be provided effectively we are required to transfer **personal data** of **data subjects** to these **data processors**.

**Personal data** will only be transferred to a **data processor** if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures



themselves to the satisfaction of HET. HET will always undertake due diligence of any **data processor** before transferring the **personal data** of **data subjects** to them.

Contracts with **data processors** will comply with **data protection legislation** and contain explicit obligations on the **data processor** to ensure compliance with the **data protection legislation**, and compliance with the rights of **data subjects**.

#### 14. Images and videos

Parents and others attending HET or school events are normally allowed to take photographs and videos of those events for domestic (personal) purposes. For example, parents can take video recordings of a school performance involving their child, HET does not prohibit this as a matter of policy. However, please appreciate that this needs to be reviewed by schools considering each event and those attending. In cases where attendees are instructed that recording is not allowed, we politely request that parents and other visitors respect this instruction.

HET does not agree to any such photographs or videos (taken at a HET or school event) to be used for any other purpose than personal use, but we acknowledge that such matters are, for the most part, outside of the ability of HET to prevent.

HET asks that parents and others do not post any images or videos which include any child other than their own child on any social media or otherwise publish those images or videos.

Whenever a pupil begins their attendance at a HET school, their parent/carer, will be asked to complete a consent form in relation to the use of images and videos of that pupil (see appendix 2). Images and videos of pupils may be required for safeguarding, assessment and learning purposes and we will not seek consent for the taking and use of these images.

HET wants to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering school events or achievements. We will seek the consent of parents where appropriate, before allowing the use of images or videos of pupils for such purposes.

#### 15. CCTV

HET operates CCTV systems in their schools, please refer to the HET CCTV Policy.

HET uses CCTV in various locations around school sites (inside and outdoors) for security, safeguarding and health and safety purposes. We adhere to the ICO's code of practice for the use of CCTV.

We do not need to ask individuals' permission to use 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.

Any enquiries about the CCTV system should be directed to the DCO at the school.



## 16. Biometric data

In our secondary schools, HET operates a biometric recognition system for the catering purposes.

Before we are able to obtain the Biometric Data of pupils or the workforce, we are required to give notification and obtain consent for this Special Category Data due to additional requirements for processing such data under the Protection of Freedoms Act 2012.

For the workforce, written consent will be obtained at the commencement of their position with HET and shall continue to be effective unless an objection in writing to the processing of your Biometric Data is received from the individual.

For our pupils, the school will notify each parent of that pupil prior to them commencing their education at the school of the use of our Biometric Recognition System. The school will then obtain the written consent of one of the pupil's parents before obtaining any Biometric Data.

If written consent cannot be obtained from a parent, or any parent objects in writing or the pupil objects or refuses to participate in the processing of their Biometric Data, HET will not process the pupil's Biometric Data and will provide an alternative means of accessing the above services. Currently schools use a pin number as an alternative method of identification.

Further information about this can be found from schools and in our Privacy Notices.

## 17. Complaints

**Data subjects** have the right to make a complaint to HET if they consider we have not complied with data protection legislation.

Any complaints relating to data protection must be directed to HET's Data Protection Officer.

When dealing with complaints relating to data protection, we shall:

- Acknowledge receipt of the complaint within 30 days of the date on which the complaint is received by HET.
- Take appropriate steps to respond to the complaint, including making enquiries into the subject matter of the complaint, to the extent appropriate.
- Inform the complainant about progress of the complaint.
- Inform the complainant of the outcome of the complaint.

## 18. Changes to this policy

We may change this policy at any time. Where appropriate, we will notify **data subjects** of those changes.

## 19. Link to other HET policies

- Acceptable Use of IT Policy



- Child Protection and Safeguarding Policy
- Complaints Procedure
- Freedom of Information Policy
- Online Safety Policy
- Visitor Code of Conduct
- Records & Retention Policy



