

**General Data Protection  
Regulation (GDPR)  
Policy**



Approved by DHET during the Summer Term:

Next Review date: Spring 2020

## Our Commitment

**Dulwich Hamlet Educational Trust which runs Dulwich Hamlet Junior School and The Belham Primary School**, are committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA). <https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/> Changes to data protection legislation shall be monitored and implemented in order to remain compliant with all requirements.

The member(s) of staff responsible for data protection are: Susan Roberts at Dulwich Hamlet Junior School and Karen Smith at The Belham Primary School.

The schools are also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

### Notification:

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified immediately to the individual(s) concerned and the ICO.

### Personal and Sensitive Data:

All data within the school's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The principles of the Data Protection Act shall be applied to all data processed:

- Processed fairly and lawfully
- Obtained only for lawful purposes, and is not further used in any manner incompatible with those original purposes
- Accurate and, where necessary, kept up to date,
- Adequate, relevant and not excessive in relation to the purposes for which it is processed
- Not kept for longer than is necessary for those purposes
- Processed in accordance with the rights of data subjects under the DPA
- Protected by appropriate technical and organisational measures against unauthorised or unlawful processing and against accidental loss, destruction or damage
  
- Not transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection of the personal information

### **Fair Processing / Privacy Notice:**

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and pupils prior to the processing of individual's data.

Notifications shall be in accordance with ICO guidance and, where relevant, be written in a form understandable by those defined as 'Children' under the legislation.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/>

The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information. Any proposed change to the processing of individual's data shall first be notified to them.

### **Data Security:**

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them. Risk and impact assessments shall be conducted in accordance with guidance given by the ICO:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacy-impact-assessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and these organisations shall provide evidence of the competence in the security of shared data.

### **Data Access Requests (Subject Access Requests):**

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within 40 days and they should be made in writing to: **Karen Smith at The Belham Primary School or Susan Roberts at Dulwich Hamlet Junior School.**

A charge may be applied to process the request.

[https://ico.org.uk/media/for-](https://ico.org.uk/media/for-organisations/documents/1586/personal_information_online_small_business_checklist.pdf)

[organisations/documents/1586/personal\\_information\\_online\\_small\\_business\\_checklist.pdf](https://ico.org.uk/media/for-organisations/documents/1586/personal_information_online_small_business_checklist.pdf)

<https://ico.org.uk/media/for-organisations/documents/1235/definition-document-schools-in-england.pdf>

**Photographs and Video:**

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only. Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources.

It is the school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

**Data Disposal:**

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

[https://ico.org.uk/media/for-organisations/documents/1570/it\\_asset\\_disposal\\_for\\_organisations.pdf](https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf)

The schools are in the process of selecting a qualified source for disposal of IT assets and collections. Currently the Trust works with its IT contracted suppliers RM via The Charter School ND and Joskos, in the event that the equipment needs disposing of.

## **Annex I Subject Access Request**

**Dulwich Hamlet Educational Trust:**

**Dulwich Hamlet Junior School and The Belham Primary School**

### **Subject Access Record**

There are several questions the school must ask in completing a Subject Access Request. This document poses the question and records the decisions you have made.

Name of data subject:

Name of person who made the request:

Date request received:

Date DPO contacted:

Date acknowledgement sent:

Name of person dealing with request:

	<b>Notes</b>
Are they entitled to the data?	<i>If no, reply stating the reasons and/or ask for proof</i>
Do you understand what data they are asking for?	<i>If no, ask requestor for clarity</i>
Identify the data?	<i>What data sources, where they are kept</i>
Collect the data required	<i>You may need to ask others – state a deadline in your request.</i>
Do you own all the data?	<i>If no, ask third parties to release external data. If data is supplied by another agency such as Psychology Service, you do not own the data.</i>
Do you need to exempt/redact data?	<i>If exempting/redacting be clear of your reasons e.g. document name, data exempted/redacted, why.</i>
Is the data going to be ready in time?	<i>Records delays and reasons. Communicate with requestor stating reason for delay and ask if they would like the data you have collected so far.</i>
Create pack	<i>Make sure that the data is in an easy to access format: paper, word, excel etc.</i>
Inform requestor you have the data	<i>Ask them how they would like it delivered</i>
Deliver data	<i>Ask for confirmation /special delivery?</i>

## **Annex 2 Pupil Privacy Notice**

### **Dulwich Hamlet Educational Trust**

#### **Explaining why we keep information (data) for our pupils**

#### **What is your ‘Personal Data’?**

Personal data is information that says something about you as an individual, so it would normally include your name, and/or contact details, or even a photograph of you.

#### **What kind of information do we hold about you?**

Apart from the information you give us, we may also receive information about you from your previous schools, the Local Authority and the Department for Education (DfE).

This information will include your and your parents/guardians contact details, your assessment results, attendance information, any exclusion information, where you go after you leave us and personal characteristics such as your ethnic group and any medical conditions, special educational or dietary needs you want us to know about.

Without your parent’s consent (acting upon your behalf), we will not process any personal data about you which we do not need.

#### **Why do we need your information?**

We need to use your personal data in order to:

- support your learning
- monitor and report your progress
- provide appropriate pastoral care
- provide services needed while at the school; and
- assess the quality of our service.

The purpose of processing your information is to provide you with the best education we can, as well as to meet our other legal requirements.

The legal basis for using this personal data are various Acts of Parliament including the Education Act 2011, Children’s Act 2004 and Equality Act 2010.

For certain “special categories” of data (like health or ethnicity information) we rely on your consent. This means you will be asked if for certain additional information.

## Annex 3 Privacy notice for pupil and parents/carers

This privacy notice provides detailed information about how we process personal data. Under data protection law, individuals have a right to be informed about how the school uses any personal data held about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils and their parents/carers**.

Dulwich Hamlet Educational Trust is the 'data controller' for the purposes of data protection law. Our data protection officers are:

- Karen Smith, [ksmith272.210@lgflmail.org](mailto:ksmith272.210@lgflmail.org) 0208 3534290 at The Belham Primary School
- Susan Roberts [sroberts23.210@lgflmail.org](mailto:sroberts23.210@lgflmail.org) 0207 525 9188 at Dulwich Hamlet Junior School

### The personal data we hold

We process personal data about prospective, current and past pupils and their parents and carers. Personal data that we may collect, use, store and share (when appropriate) includes, but is not restricted to:

- Contact details and preferences of parents and carers including names, addresses, telephone number, email addresses.
- Names, addresses, date of birth, unique pupil number, identification documents of pupils.
- Admissions and related records.
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, language, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information (i.e. sessions attended, number of absence and absence reasons)
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school

As a school, we may need to process information about you that falls into "special categories" of more sensitive personal data. When we do so, this is in accordance with applicable law or by explicit consent. This includes pupil information about (where applicable):

- Ethnicity
- Disability

We collect most of the personal data we hold directly from the individuals concerned, however we may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

### Why we use this data

We use this data to:

- Support the admissions process, and administer admissions waiting lists
- Provide education to pupils including administration of the curriculum
- Provide educational support to pupil and their parents and carers (including mentoring, maintaining discipline,
- Support pupil learning
- Monitor and report on pupil progress
- Safeguard pupils' welfare and provide appropriate pastoral care and health care services

- Administer sports fixtures, clubs, school trips
- Assess the quality of our services
- Carry out research
- Comply with the law regarding data sharing

### **Our legal basis for using this data**

We only collect and use pupils' / parents' / carers' personal data when the law allows us to. The majority of the information you provide to us is mandatory. We process pupil information in order to "exercise the official authority vested in us" to deliver education to your child. Most commonly, therefore, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we will be processing pupils' personal data in situations where:

- We have obtained consent to use it in a certain way (in these cases information will be provided on a voluntary basis, and we will clearly inform you of when your consent is required - for example photographs or data in respect to racial or ethnic origin).
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn. Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

### **How we store this data**

We keep personal information about pupils and their parents and carers while they are attending our school. We may also keep it beyond a pupil's attendance at our school if this is necessary in order to comply with our legal obligations. We retain personal data only for as long as necessary or required by law, and in reference to the [Information and Records Management Society's toolkit for schools](#).

### **Data sharing**

Personal data held by us is processed by appropriate members of staff - for the purposes for which the data was originally provided. We take both technical and organisational steps to ensure security of your data, and have policies around use of technology and access to school systems. We do not share information about pupils with any third party without consent, unless the law and our policies allow us to do so. We do not share or sell personal data to other individuals or organisations for their own purposes.

Some of our systems are provided by third parties, for example our Management Information System, which is a cloud based system. This is always subject to assurances that personal data will be kept securely and in accordance with General Data Protection Regulation requirements.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions, for admissions and exclusions purposes, and to access funding to support Looked After Children, and pupils with Special Educational Needs.*
- *The Department for Education – we are required to share information about our pupils with the DfE under Regulation 5 of the Education (Information About Individual Pupils) (England) Regulations 2013. This data sharing underpins school funding and educational attainment policy and monitoring.*
- *Educators and examining bodies – in order to support pupil learning*

- Our regulator, Ofsted – to provide evidence of compliance with regulations and best practice, and enable them to effectively judge our performance
- Suppliers and service providers – to enable them to provide the service we have contracted them for (for example clubs providers, offsite learning providers)
- Our auditors – to enable them to judge and report on our financial systems and processes (for example auditing ParentPay payments you may make).
- Health and social welfare organisations, including Health Authorities, Social Services, Children & Adolescent Mental Health Services, and the school nurse / doctor – to ensure we provide appropriate pastoral care (for example vaccinations).
- Professional advisers and consultants – to enable them to provide the service we have contracted them for (for example speech and language support, learner mentoring, play therapists, peripatetic tutors)
- Police forces, courts, tribunals
- Other schools / Academies / MATS (during pupil transfer)

### **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

Some of this information is then stored in the National Pupil Database (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research.

The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children’s education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department’s webpage on [how it collects and shares research data](#). You can also [contact the Department for Education](#) with any further questions about the NPD.

### **Transferring data internationally**

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

### **Parents and pupils’ rights regarding personal data**

Individuals have a right to make a ‘**subject access request**’ to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child’s data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our data protection officer.

## Other rights

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our data protection officer.

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

## Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **data protection officer**:

- Karen Smith, [ksmith272.210@lgflmail.org](mailto:ksmith272.210@lgflmail.org) 0208 3534290 at The Belham Primary School
- Susan Roberts [sroberts23.210@lgflmail.org](mailto:sroberts23.210@lgflmail.org) 0207 525 9188 at Dulwich Hamlet Junior School

*This notice is based on the Department for Education's model privacy notice for pupils, amended for parents and to reflect the way we use data in this school.*