



General Data Protection Policy

May 2018

Office use

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Associated documents:			
<ul style="list-style-type: none"> • DALP Privacy Notices • DALP Information Services • DALP CCTV policy • DALP Photography and Videography • DALP Subject Access Request information 		www.dalp.org.uk	
Links to:			
General Data Protection Regulation https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/ Records Management policy and retention guidelines http://irms.org.uk/page/SchoolsToolkit		Freedom of Information Act https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/	

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1 Policy statement

Diverse Academies is committed to a policy of protecting the rights and privacy of individuals, including students, staff, trustees, governors/trustees and parents/carers, in accordance with the General Data Protection Regulation (GDPR) which came into force on 25 May 2018.

GDPR enhances the Data Protection Act (DPA) 1998 which came into force on 1 March 2000 to protect personal data. It was a European Directive and the rules contained within it had to be encompassed into the laws of all countries that were part of the European Economic Area including the UK.

Since the DPA became law the use of the internet, social media sites, use of computers and methods of communicating with each other has changed significantly. To reflect these changes, the law has been updated to the General Data Protection Regulation (GDPR). The UK's withdrawal from the European Union does not affect GDPR.

The GDPR:

- Defines what is meant by 'personal' data
- Confers rights on 'data subjects' (all living individuals)
- Places obligations on 'data controllers' and 'data processors'
- Creates principles relating to the processing of personal data
- Provides for penalties for failure to comply with the above

There are six 'principles' of GDPR that we have to adhere to when processing personal data. We must and will ensure it is:

1. Processed fairly, lawfully and in a transparent manner
2. Used for specified, explicit and legitimate purposes
3. Used in a way that is adequate, relevant and limited
4. Accurate and kept up-to-date
5. Kept no longer than is necessary
6. Processed in a manner that ensures appropriate security of the data

Before any personal data is processed we must and will:

1. Ensure consent has been obtained from the data subject. In schools this is deemed to be parents/carers for children under 13, and the pupil when they are 13 or above
2. Ensure it is necessary for the performance of a contract with the data subject
3. Ensure it is necessary for compliance with a legal obligation
4. Ensure it is necessary to protect the interest of a data subject or another person

5. Ensure it is necessary to carry out tasks in the public interest
6. Ensure it is necessary for the purposes of legitimate interests pursued by the Data Controller or a third party

As a group of academies, we need to gather and process certain information to enable us to provide education and other associated functions for all whom we have a relationship with for various purposes such as, but not limited to:

1. The recruitment and payment of staff
2. The administration of programmes of study and courses
3. Student enrolment
4. Examinations and external accreditation
5. Recording student progress, attendance and conduct
6. Collecting fees
7. Complying with legal obligations to funding bodies and government e.g. Department for Education (DfE) and the Education, Skills and Funding Agency (ESFA)

In Diverse Academies Learning Partnership (DALP) we take the collection and control of data very seriously. Any serious infringement of the Act will be treated seriously and may be considered under disciplinary procedures. Please refer to the information below or if you have any specific queries about your data each of our academies has a Data Protection Team. Please contact the individual academy or for the general helpline please contact gdpr@dalp.org.uk

Individuals can exercise the right to gain access to their information by means of a 'subject access request'. Personal data is information relating to an individual and may be in hard or soft copy (paper/manual files; electronic records; photographs; CCTV images) and may include facts or opinions about a person. Please refer to our subject access request form if you would like to request information www.dalp.org.uk

2 Data Controller

Diverse Academies (Diverse Academies Trust and National Church of England Academy Trust) will be the 'data controllers' under the terms of the legislation – this means each Trust is ultimately responsible for controlling the use and processing of personal data. The Trusts have appointed a Data Protection Officer (DPO) and a GDPR team in each academy who are available to address any concerns regarding the data held by our academies and how it is processed, held and used.

The Senior Leadership Team in each academy are responsible for all day-to-day data protection matters, ensuring that all members of staff, contractors, short-term and voluntary staff and visitors

receive training and abide by this policy and for developing and encouraging good information handling within the academies.

Staff members must ensure that:

1. all personal data is kept securely
2. no personal data is disclosed either verbally or in writing, accidentally or otherwise, to any unauthorised third party
3. personal data is kept in accordance with the DALP retention schedule www.dalp.org.uk
4. any queries regarding data protection, including subject access requests and complaints, are promptly advised to gdpr@dalp.org.uk
5. any data protection breaches are swiftly brought to the attention of gdpr@dalp.org.uk and that staff are instrumental in resolving breaches
6. where there is uncertainty around a data protection matter advice is sought from gdpr@dalp.org.uk
7. privacy notices for staff and students may be found at www.dalp.org.uk

Details of the Trusts' registration can be found on the Office of the Information Commissioner's website.

Our data registration number for Diverse Academies Trust is ZA096084 and for National Church of England Academy Trust Z278831X

3 Consent as a basis for processing

Although it is not always necessary to gain consent from individuals before processing their data, it is often the best way to ensure that data is collected and processed in an open and transparent manner.

Consent is especially important when we are processing any sensitive data, as defined by the legislation.

Diverse Academies understand consent to mean that the individual has been fully informed of the intended processing and has signified their agreement. Consent obtained on the basis of misleading information will not be a valid basis for processing. Consent cannot be inferred from the non-response to a communication.

4 Personal details

Diverse Academies will ensure that any forms used to gather data on an individual will contain a statement explaining the use of that data, how the data may be disclosed and also indicate

whether or not the individual needs to consent to the processing. It will also state how long we will keep the data for.

How we use your personal information

Please refer to our policies on our website www.dalp.org.uk:

- Privacy notice for pupils
- Privacy notice for staff
- Privacy notice for Trustees/Governors

Our website www.dalp.org.uk and each of our academy websites contain details of the companies we have contracts with. We have confirmed that they are GDPR compliant and will hold any of our data as specified within the statutory regulations.

5 Biometric data

Biometric Information is information about a person's physical or behavioural characteristics that can be used to identify them, for example, information from their fingerprint. Diverse Academies may use information from a person's fingerprint for the purposes of providing access to the library and catering facilities at the academies.

The information will be used as part of an automated biometric recognition system. This system will take measurements of a fingerprint and convert these measurements into a template to be stored on the system. An image of fingerprint is not stored. The template (i.e. measurements taken from a fingerprint) is what will be used to permit access to services. The academy cannot use the information for any purpose other than those for which it was originally obtained and made known to parents.

In order to be able to use biometric information, the written consent of at least one parent is required. However, consent given by one parent will be overridden if the other parent objects in writing to the use of their child's biometric information. Similarly, if a child objects to this, the academy cannot collect or use his/her biometric information for inclusion on the automated recognition system. Parents/staff can also object to the proposed processing of biometric information at a later stage or withdraw any consent that has previously been given. Please note that any consent, withdrawal of consent or objection from a parent must be in writing. Even if a parent has consented, a child can object or refuse at any time to their biometric information being taken/used. His/her objection does not need to be in writing. The law says that schools/academies must provide reasonable alternative arrangements for students who are not going to use the automated system.

When a child leaves the academy, or if some other reason he/she ceases to use the biometric system, his/her biometric data will be securely deleted.

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6 Subject Access Requests (SAR)

Individuals have a right to access any personal data relating to them which are held by the Trusts. Any individual wishing to exercise this right should apply in writing to the Data Protection Officer. Any member of staff receiving a SAR will forward this to the GDPR Team in the academy. Under GDPR regulations, the information will be provided free of charge and will be responded to within a calendar month. Please refer to our SAR policy www.dalp.org.uk

7 Photographic Images

Please see our Photography and Videography Policy www.dalp.org.uk

8 Data breaches

Where a data protection breach occurs, or is suspected to have occurred all staff are aware that they need to inform the GDPR team at their academy. The GDPR team will advise the Data Protection Officer as soon as they have received notification of a breach gdpr@dalp.org.uk The DPO will work alongside the relevant academy/department(s) to:

- a. minimise the damage
- b. assess the extent of the damage and determine whether the ICO should be notified
- c. notify individuals affected as appropriate
- d. ascertain how the breach occurred and, if appropriate, determine how to prevent or minimise future breaches

If you have any queries about our policy please contact:

Data Protection Officer – Alison Elway gdpr@dalp.org.uk

c/o Diverse Academies

Kelham Hall

Newark

NG23 5QX

Or any GDPR Team in a Diverse Academies academy

9 Confidential waste

Confidential waste will be securely stored and disposed of in line with our Records Management policy and Retention guidelines www.dalp.org.uk. Shredding companies who have been certified as being GDPR compliant will be used to dispose of any secure waste and a record of destruction will be retained.

10 Complaints

Any complaints will be dealt with according to the DALP Complaints Policy www.dalp.org.uk. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at:

Wycliffe House Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.gov.uk

Other policies in connection with this policy can be found on our website www.dalp.org.uk

- CCTV
- Records Management policy and retention guidelines
- Freedom of Information Act
- Photography and Videography