



# Oakwood Infant and Nursery School

## Data Protection Policy

(Ref no: OAK001/10/2021)

### School Mission Statement

*At Oakwood Infant and Nursery School we provide a safe, healthy, happy and creative learning environment for everyone, through high expectations and mutual respect.*

*We are all stars, watch us shine.*

**Agreed: October 2019**

**Approved: October 2019**

**To be reviewed: October 2021**

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### **Penetration Testing and security evaluation for Oakwood Infant and Nursery School**

The Schools Broadband Service that your school receives is delivered through Essex County Councils Next generation Network (NGN) Contract.

Under the service provided our supplier Daisy Udata Communications Ltd (DUCL) is required to perform at least annually, an IT Health Check (ITHC) of Essex NGN (Next Generation Network infrastructure to provide assurance that their organisationally critical external facing systems are protected from any unauthorized access or change attempt, and that these do not provide an unauthorized entry point into systems that consume Essex NGN services (Essex Corporate and Essex Education Services).

The internal infrastructure needs to be tested to provide assurance that no significant weaknesses or vulnerabilities exist on the network infrastructure or individual systems that could allow one internal device either intentionally or unintentionally to impact on the security of another.

During December 2018 DUCL completed the required IT Health Check and provided a comprehensive report which details the results of penetration testing and security evaluation. Penetration testing has identified details of vulnerabilities/weaknesses detected, level of risk and provides recommendations to remediate these.

You will be pleased that no vulnerabilities pertaining to the equipment/systems within your schools' environment were found and **this fact needs to be recorded in your GDPR records under security measures.**

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## Part 1 Introduction and Key Definitions

### 1.1 Introduction

***Oakwood Infant and Nursery School*** collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation and to comply with the law.

This data protection policy ensures Oakwood Infant and Nursery School

- complies with data protection law and follows good practice
- protects the rights of pupils, staff, parents/carers and other stakeholders
- is open about how it stores and processes individuals' data
- protects itself from the risks of a data breach

It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

This policy describes how this personal data must be collected, handled and stored to meet the Oakwood Infant and Nursery School data protection standards.

This Data Protection policy is based on the six principles of the Data Protection Act (DPA) that personal data shall be:

1. processed lawfully, fairly and in a transparent manner
2. collected for specified, explicit and legitimate purposes
3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
4. accurate and kept up to date

5. kept in a form which permits identification of data subjects for no longer than is necessary
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss or damage

## **1.2 Key Definitions**

### **Data**

The DPA describes how organisations, including Oakwood Infant and Nursery School, must collect, handle and store personal information ('data').

### **What is Personal Information?**

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

What is data?

Data is any information that the school collects and stores about individuals or organisations. Some data is more sensitive than others and particular care will be given to processing and managing this. Sensitive data includes:

- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- data concerning health or sex life and sexual orientation;
- genetic data; and
- biometric data.

Data can be stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

### **Data Subject**

A 'Data Subject' is someone whose details the school/academy keeps on file. The data subject has the following rights under data protection legislation:

- to be informed
- to have access to data stored about them (or their children)
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for the school to keep their data
- to restrict processing (e.g. limit what their data is used for)
- to object to data being shared or collected

Although data protection legislation affords these rights to individuals, in some cases the obligations schools have to share data with the DfE etc override these rights (this is documented later in the policy under 'Privacy Notices').

### **Data Controller**

The 'Data Controller' has overall responsibility for the personal data collected and processed and has a responsibility for ensuring compliance with the relevant legislation. They are able to delegate this to 'Data Processors' to act on their behalf.

Oakwood Infant and Nursery School is the 'Data Controller'.

### **Data Processor**

A 'Data Processor' uses, collects, accesses or amends the data that the controller is authorised to collect or has already collected. It can be a member of staff, Third Party Company or another organisation such as the police or Local Authority (LA).

### **General Statement**

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

## **Part 2 Organisational Arrangements**

### **2.1 Overall Responsibility**

Oakwood Infant and Nursery School will meet its obligations under the DPA by putting in place clear policies that focus on the key risks and in checking that control measures have been implemented and remain appropriate and effective.

### **2.2 Roles & Responsibilities**

The Governing Body will:

- Establish and maintain a positive data protection culture.
- Ensure the Headteacher prepares a Data Protection policy for approval and adoption by the Oakwood Infant and Nursery School Governing Board and to review and monitor the effectiveness of the policy.
- Appoint a Data Protection Officer and provide adequate resources and support for them to fulfil their statutory duties.
- Allocate sufficient resources for data protection, e.g. in respect of training for staff, encryption technology for devices.
- Monitor and review data protection issues.
- Ensure that the Oakwood Infant and Nursery School provides adequate training, information, instruction, induction and supervision to enable everyone to comply with their data protection responsibilities.
- Review and act upon data protection compliance reports from the Data Protection Officer.

The Headteacher will:

- Promote a positive data protection culture.
- Prepare a Data Protection policy for approval by the Oakwood Infant and Nursery School Governing Board, revise as necessary and review on a regular basis, at least every two years.
- Ensure that all staff co-operate with the policy.
- Ensure that staff are competent to undertake the tasks required of them and have been provided with appropriate training.
- Provide staff with equipment and resources to enable them to protect the data that they are processing.
- Ensure that those who have delegated responsibilities are competent, their responsibilities are clearly defined, and they have received appropriate training.
- Monitor the work of the Data Protection Officer to ensure they are fulfilling their responsibilities.

The Data Protection Officer will:

- Inform and advise the Oakwood Infant and Nursery School of their obligations under data protection legislation.

- Monitor compliance with the legislation and report to the Headteacher and Governing Board on a termly basis.
- Cooperate with the supervisory authority (e.g. Information Commissioners Office) and act as the main contact point for any issues.
- Seek advice from other organisations or professionals, such as the Information Commissioners Office as and when necessary.
- Keep up to date with new developments in data protection issues for schools.
- Act upon information and advice on data protection and circulate to staff and governors.
- Carry out a data protection induction for all staff and keep records of that induction.
- Coordinate the school response to a Subject Access Request.
- Coordinate the school response to a data breach

Staff at the school will:

- Familiarise themselves and comply with the Data Protection Policy.
- Comply with the Oakwood Infant and Nursery School data protection arrangements.
- Follow the data breach reporting process.
- Attend data protection training as organised by the school.



## **Part 3 Detailed Arrangements & Procedures**

### **3.1 Data Management**

#### **Data Registration**

As Data Controller, the school must register as a Data Controller on the Data Protection Register held by the Information Commissioner. The school was last registered on 11.11.17 and is due to renew on 11.11.18.

#### **Data Protection Officer**

As a public body, Oakwood Infant and Nursery School is required to appoint a Data Protection Officer (DPO).

At Oakwood Infant and Nursery School the DPO role is fulfilled by:

- School Business Management Services

The role of the DPO is to:

- Inform and advise the school/academy and the employees about obligations to comply with all relevant data protection laws.
- Monitor compliance with the relevant data protection laws.
- Be the first point of contact for supervisory authorities.
- Coordinate training on data protection for all key stakeholders in the Oakwood Infant and Nursery School.

#### **Data Protection Awareness**

In order to ensure organisational compliance, all staff and other key stakeholders (e.g. governors, volunteers) will be made aware of their responsibilities under the data protection legislation as part of their induction programme, (both as a new employee/governor to the organisation or if an individual changes role within the school/academy).

Annual data protection refresher training will take place to reinforce the importance of staff adhering to the legislation.

A record of the professional development undertaken by the individual will be retained on their training record.

#### **Data Mapping**

Oakwood Infant and Nursery School has documented all of the data that it collects within a 'Data Flow Map'. This data inventory records:

- the data held

- what the data is used for
- how it is collected
- how consent is obtained
- how the data is stored
- what the retention period is
- who can access the data
- who is accountable for the data
- how the data is shared
- how the data is destroyed

For each data type, the probability of a data breach occurring is assessed (very high, high, medium, low or very low) and actions to be taken to mitigate the risk are recorded.

It is the responsibility of the DPO to ensure the 'Data Flow Map' is kept up to date. The map should be a live document and updated regularly.

### **3.2 Third Party Suppliers Acting as Data Processors**

As Data Controller, the Oakwood Infant and Nursery School is responsible for ensuring that correct protocols and agreements are in place to ensure that personal data is processed by all sub-contractors and other third parties in line with the principles of the data protection legislation.

Individuals within school who have a responsibility for securing contracts and agreements with such third parties are responsible for ensuring that all external data processing is contracted out in line with the principles of the DPA. These type of agreements include:-

- IT contracts and processes.
- Physical data and hard copy documents.
- Data destruction and hardware renewal and recycling financial and personnel information.
- Pupil and staff records.

Only third party suppliers who can confirm they have appropriate technical, physical and organisational security to securely process data will be considered as suitable partners.

The procurement process will ensure that all contracts are suitable and reflect DPA requirements. Review of current and due consideration of future contracts will require this even if data processing is ancillary to the main purpose of the contract.

The external processor will confirm with the data controller that suitable security and operational measures are in place.

Any potential supplier or purchaser outside the EU will be obliged to confirm how they comply with the DPA and give contractual assurances.

The DPO may require a specific risk assessment to be undertaken if the data is sensitive, and if an increased risk is likely due to the nature, or proposed nature, of the processing.

A written agreement will be in place between the supplier and the school to confirm compliance with

the DPA principles and obligations to assist the school in the event of data breach or subject access request, or enquiries from the ICO.

The school must have the right conduct audits or have information about audits that have taken place in respect of the relevant processes of the supplier's security arrangements whilst the contract is in place, or whilst the supplier continues to have personal data that relates to the contract on its systems.

Any subcontracting must only be done with the written consent of the school as data controller. This must be the case for any further subcontracting down the chain. All subcontractors must confirm agreement to be bound by DPA principles when handling the school's data, which shall also include co-operation and eventual secure destruction or return of data.

The school has a 'Third Party Request for Information' form which must be used for third party suppliers acting as a Data Processor for the school.

### **3.3 Consent**

As a Oakwood Infant and Nursery School we will seek consent from staff, volunteers, young people, parents and carers to collect and process their data. We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required. However, in most cases, data will only be processed if explicit consent has been obtained.

Consent is defined by the DPA as "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by clear affirmative action, signifies agreement to the processing of personal data relating to him or her".

We may seek consent from young people also, and this will be dependent on the child and the reason for processing.

### **Privacy Notices**

In order to comply with the fair processing requirements of the DPA, the school will inform their staff and parents/carers of all pupils of the data they collect, process and hold on them, the purposes for which the data is held and the third parties (eg LA, DfE, etc) to whom their data may be passed, through the use of 'Privacy Notices'.

Privacy notices are available to staff and parents through the following means:

- School website
- School newsletter
- Letter to parents
- Staff Handbook
- Staff Notice Boards

## **The Use of Pupil Images**

Occasionally the Oakwood Infant and Nursery School may take photographs of its pupils. These images could be used as part of internal displays, printed publications, the school website or our social media accounts.

Oakwood Infant and Nursery School will seek consent from all parents to allow the photography of pupils and the subsequent reproduction of these images. Consent will be sought on entry and will be retained throughout the time the child is attending the school. Regular reminders will be put in the school newsletter that the school retains their child's data and to come into the school to update any details if there are any changes.

Parents are given the opportunity to opt in. It is not permissible to assume parents are opting in.

Generic consent for all uses of images is not acceptable; parents must give consent to each medium.

Parents must be given the opportunity to withdraw their consent at any time. This should be given in writing to the school, however a verbal withdrawal of consent is also valid and should be reported to Headteacher immediately.

Consent should be recorded on the 'Parental Consent' Form

If images of individual pupils are published, then the name of that child should not be used in the accompanying text or caption unless specific consent has been obtained from the parent prior to publication.

The Oakwood Infant and Nursery School 'Parental Consent' form should be issued to current parents to seek consent annually.

## **Accurate Data**

The school will endeavour to ensure that the data it stores is accurate and up to date.

When a pupil or member of staff joins the Oakwood Infant and Nursery School they will be asked to complete a form providing their personal contact information (e.g. name, address, phone number, NI number for staff), next of kin details, emergency contact and other essential information. At this point, the Oakwood Infant and Nursery School will also seek consent to use the information provided for other internal purposes (such as promoting school events, photography).

The school will undertake an annual data collection exercise, where current staff will be asked to check the data that is held about them is correct. This exercise will also provide individuals with the opportunity to review the consent they have given for the Oakwood Infant and Nursery School to use the information held for internal purposes.

Consent of the data of each child will be sought on entry and will be retained throughout the time the child is attending the school. Regular reminders will be put in the school newsletter that the school retains their child's data and to come into the school to update any details if there are any changes.

## **Withdrawal of Consent**

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent, the school will consider each situation on the merits and within the principles of the DPA, child welfare, protection and safeguarding principles.

Parents/carers and staff are requested to complete a Withdrawal of Consent form and return this to the Headteacher.

### **3.4 Associated Data Protection Policies**

- CCTV
- Complaints
- Data Breaches
- Records Management
- Subject Access Requests
- Third Party Requests for Information
- Use of Personal Devices

## **CCTV**

Oakwood Infant and Nursery School uses closed circuit television (CCTV) images to reduce crime and monitor the school buildings in order to provide a safe and secure environment for pupils, staff and visitors, and to prevent loss or damage to the school property. The Oakwood Infant and Nursery School has a CCTV policy in place which documents:

- why CCTV is used
- where cameras are sited
- whether covert monitoring is undertaken
- how long images are retained for
- who has access to the images
- where the complaints procedure is

## **Complaints**

Complaints will be dealt with in accordance with Oakwood Infant and Nursery School Complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

## **Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

## **Contacts**

If you have any enquires in relation to this policy, please contact Mrs K Maguire-Egan who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 545745 3

## **Data Breaches**

Although the Oakwood Infant and Nursery School takes measures against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data as set out in this policy and the supporting policies referred to, a data security breach could still happen. Examples of data breaches include:

- Loss or theft of data or equipment on which data is stored (e.g. losing an unencrypted USB stick, losing an unencrypted mobile phone).
- Inappropriate access controls allowing unauthorised use.
- Equipment failure.
- Human error (e.g. sending an email to the wrong recipient, information posted to the wrong address, dropping/leaving documents containing personal data in a public space).
- Unforeseen circumstances such as fire or flood.
- Hacking attack.
- 'Blagging' offences where information is obtained by deceiving the Oakwood Infant and Nursery School.

The school has a Data Breach policy which sets out the process that should be followed in the event of a data breach occurring.

## **Privacy Impact Assessments**

When considering the purchase of a new service or product that involves processing personal data, a Data Privacy Impact Assessment must be completed by the DPO. If risks are identified as part of the assessment then appropriate steps to mitigate this risk must be implemented. If these risks are deemed to be 'high risk' then the DPO should consult with the ICO prior to implementation.

The 'Data Privacy Impact Assessment' form must be used for each new service/product.

## **Records Management**

The Oakwood Infant and Nursery School recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations which will also contribute to the effective overall management of the school.

The Oakwood Infant and Nursery School has a Record Management & Retention policy in place which sets out how it will:

- safely and securely store data (both digital and hard copy data)
- retain data
- dispose of data

## **Rights of access to information**

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.

2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

## **Actioning a subject access request**

1. Requests for information must be made in writing; which includes email, and be addressed to Mrs K Maguire-Egan. If the initial request does not clearly identify the information required, then further enquiries will be made.

2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school may make a charge for the provision of information, dependent upon the following:

- Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
- Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
- If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Headteacher.

5. The response time for subject access requests, once officially received, is 40 days (**not working or school days but calendar days, irrespective of school holiday periods**). However the 40 days will not commence until after receipt of fees or clarification of information sought.

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the 40 day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

9. If there are concerns over the disclosure of information then additional advice should be sought.

10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.



12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Chairperson of the Governing Body who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact the Headteacher.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone

### **Subject Access Requests**

Any individual, person with parental responsibility or young person with sufficient capacity has the right to ask what data the school/academy holds about them, and can make a Subject Access Request (SAR).

The school has a Subject Access Request policy, which sets out the process that should be followed in the event of receiving a SAR.

### **Third Party Requests for Information**

Occasionally the Oakwood Infant and Nursery School may receive a request for information on a pupil or member of staff by a third party, such as the police or social services. This would be separate to statutory requests that come through from the DfE or LA, for example, which are covered within the privacy notices.

The Oakwood Infant and Nursery School has a Third Party Request for Information policy which sets out the process that should be followed in the event of receiving a third party request.

### **Use of Personal Devices**

The Oakwood Infant and Nursery School recognises the benefits of mobile technology and is committed to supporting staff in the acceptable use of mobile devices. The Oakwood Infant and Nursery School follows the 'Bring Your Own Device' policy which sets out how non-school owned electronic devices, e.g. laptops, smart phones and tablets, may be used by staff members and visitors to the school.

**Breach of this Policy**

If any individual breaches the terms of this policy they will be subject to the Breach Policy and the Disciplinary and Dismissal Policy.