



# Rosehill Infant & Nursery School

## Data Protection Policy



This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the school complies with the following core principles of the UK GDPR.

It is a series of safeguards for every individual. Information about individuals needs to be treated with respect and be secure.

The GDPR exists to protect individual rights in an increasingly digital world.

Rosehill Infant & Nursery School intends to comply fully with the GDPR and proposed provisions in the new Act. We want to be sure information about pupils, parents, staff and volunteers is kept secure and within the law.

We have a duty to be registered, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Registration reference Z7773030.

Rosehill Infant & Nursery School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. 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. This information is gathered in order to enable it to provide education and other associated functions.

Information such as racial or ethnic origin held by the school is considered to be more sensitive, and therefore more important to protect.

In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations. Sensitive data for the DfE and LA requirements and of course pupil data may contain information about safeguarding, SEN or health needs. Information about other family members may also be on the school file. We will have a legitimate reason to hold data and we explain this in the data privacy notice which is published on our web-site; this summarises the information we hold, why it is held and the other parties to whom it may be passed on.

We often ask for consent from staff, volunteers, young people, parents and carers to collect and process 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.

### 1. Scope of the Policy

This policy is intended to ensure that personal information held by Rosehill Infant & Nursery School is dealt with correctly and securely and in accordance with the Data Protection Act 2018 and other related legislation. 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, disclosure and destruction of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

Pupils, parents and staff have the right to access information held by the school. The most important rights are contained in the following legislation:

- The UK General Data Protection Regulation
- Education (Pupil Information) (England) Regulations 2005 (as amended in 2018)
- Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- Schools Standards and Framework Act 1998
- The Data Protection Act 2018

This policy also has regard to the following guidance:

- ICO (2021) 'Guide to the UK General Data Protection Regulation (UK GDPR)
- DfE (2018) 'Data protection: a toolkit for schools'

Under UK GDPR Data subjects have a right:-

- To be informed
- Of 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 school to keep the data
- To restrict processing, i.e. to limit what is done with their data
- To object to data being shared or collected

Data subject rights are also subject to child protection and safeguarding concerns, sharing information for the prevention and detection of crime. Schools also have legal and contractual obligations to share information with organisations such as the DfE, Social Care, LA, and the HMRC amongst others. In some cases these obligations override individual rights.

## **2. Conditions for lawful processing**

The school must have a reason to process the data about an individual. Our privacy notice sets out how we use data. The GDPR has conditions for lawful processing and any time we process data relating to an individual it is within one of those conditions. If there is a data breach we have a separate procedure to follow (linked in with the retention policy) to take immediate action to remedy the situation as quickly as possible.

The legal basis and authority for collecting and processing data in school are:-

- Consent obtained from the data subject or their parent
- Performance of a contract where the data subject is a party
- Compliance with a legal obligation
- To protect the vital interests of the data subject or other associated person
- To carry out the processing that is in the public interest and/or official authority
- It is necessary for the legitimate interests of the data controller or third party
- In accordance with national law.

In addition, any special categories of personal data are processed on the grounds of

- Explicit consent from the data subject or about their child
- Necessary to comply with employment rights or obligations
- Protection of the vital interests of the data subject or associated person
- Being necessary to comply with the legitimate activities of the school
- Existing personal data that has been made public by the data subject and is no longer

- confidential
- Bringing or defending legal claims
- Safeguarding
- National laws in terms of processing genetic, biometric or health data.

Processing data is recorded within the school systems.

### **3. Sensitive Personal Data**

Sensitive personal data means personal data consisting of information as to -

- The racial or ethnic origin of the data subject
- Political opinions
- Religious beliefs or other beliefs of a similar nature
- Membership of a trade union
- Physical or mental health or condition
- Sexual life
- The commission or alleged commission of any offence
- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.
- Genetic data
- Biometric data
- Principles.

The presumption is that, because information about these matters could be used in a discriminatory way, and is likely to be of a private nature, it needs to be treated with greater care than other personal data.

### **4. Responsibilities**

4.1 The school must:

- Manage and process personal data properly
- Protect the individual's right to privacy
- Provide an individual with access to all personal data held on them
- Collect data for a specific purpose and use it for that purpose only
- Collect the minimum amount of data needed for a particular task to minimise the risk of a breach or hack

4.2 Every member of staff that holds personal information has to comply with the Act when managing that information.

4.3 The school is committed to ensuring lawfulness, transparency and fairness and will do so by:

- Inform Data Subjects why we need personal information, how we will use it and with whom it may be shared. This is known as a Privacy Notice and can be found on the schools web-site
- Ensure the data subject has consented to the use of their personal data this should be opt in rather than opt out

- Check the quality and accuracy of the information held. If a data subject feels that the information held is inaccurate, should no longer be held by the Controller or should not be held by the controller in any event a dispute resolution process and complaint process can be accessed, using the suitable forms
- Apply the schools retention policy and procedure to ensure that information is not held longer than is necessary
- Rosehill do not keep an archive of old photography/registers. If the school was to come across old records of interest the Local record office would be informed and the correct process would be followed
- Ensure that when information is authorised for disposal it is done appropriately
- Ensure appropriate security measures are in place to safeguard personal information whether that is held in paper files or on a computer system. Paper files containing personal/sensitive data will be locked away and electronic files will be pass word protected, memory sticks encrypted.
- Data sharing is carried out within the limits set by the UK GDPR. Guidance from the Department for Education, health, the police, local authorities and other specialist organisations may be used to determine whether data is shared. The basis for sharing or not sharing data will be recorded in school.
- Train all staff so that they are aware of their responsibilities and of the schools relevant policies and procedures

## **5 Subject access request**

Copies of information that we hold about you or a pupil who you have parental responsibility for, or are a parent of, at school can be provided. This is a subject access request and is set out separately.

A form (see appendix 1) will need to be completed and returned to the Data protection officer, Head teacher or school business manager (see contacts for information) you may need to provide identification evidence for us to process the request. We have to provide the information within a month, but this can be extended if, for example, the school was closed for holidays. The maximum extension is up to two months. When we receive a request we may ask you to be more specific about the information that you require. This is to refine any queries to make sure you access what you need, rather than a lot of information that may not be relevant.

In some cases we cannot share all information we hold on file if there are contractual, legal or regulatory reasons. We cannot release information provided by a third party without their consent, or in some cases you may be better to approach them directly, e.g. school nurses who are employed by the NHS.

We will supply the information in an electronic form.

If you wish to complain please refer to the complaints policy and further information in this DPA policy.

### **Data Protection Officer**

We have a Data Protection Officer whose role is to:-

- To inform and advise the controller or the processor and the employees who carry out processing of their obligations under the UK GDPR
- To monitor compliance with the UK GDPR and DPA
- To provide advice where requested about the data protection impact assessment and monitor its performance
- To be the point of contact for Data Subjects if there are concerns about data protection
- To cooperate with the supervisory authority and manage the breach procedure

- To advise about training and CPD for the UK GDPR

Our DPO is:

J. A. Walker, Solicitor, Office 7, The Courtyard, Gaulby Lane, Stoughton  
Leicestershire, LE2 2FL

E-mail: [info@jawalker.co.uk](mailto:info@jawalker.co.uk)

Tel No: 0333 772 9763

## **6 Data Controller**

Our school governing body is the data controller. They have ultimate responsibility for how school manages data. They delegate this to data processors to act on their behalf.

## **7 Data processor**

This is a person or organisation that uses, collects, accesses or amends the data that the controller has collected or authorised to be collected. It can be a member of staff, a third-party company, possibly a governor, a contractor or temporary employee. It can also be another organisation such as the police or the LA.

Data controllers must make sure that data processors are as careful about the data as the controller themselves. The GDPR places additional obligations on organisations to make sure that Data Controllers require contractual agreements to ensure that this is the case.

## **8 Breaches & Non Compliance**

If there is noncompliance with the policy or processes, or there is a DPA breach as described within the UK GDPR and DPA 2018 then the guidance set out in the Breach & Non Compliance Procedure and Process needs to be followed (this is linked with the retention policy).

Any noncompliance will be brought to the attention of the Data Protection Officer to enable an action plan to be developed and implemented. This record will also serve as a useful mechanism to identify trends, risks and potential breach hazards.

An agreed timescale for review, identifying training needs that may be applicable to an individual or group of people will assist compliance.

Protecting data and maintaining data subject rights is the purpose of this policy and associated procedures.

## **9 Consent and Renewal**

On the school website we have 'Privacy Notices' that explain how data is collected and used. It is important to read those as it explains how data is used in detail.

Obtaining clear consent and ensuring that the consent remains in place is important for school. We also want to ensure the accuracy of that information.

## **10 For pupils and Parents/Carers**

On arrival at school you will be asked to complete a form giving next of kin details, emergency contact and other essential information. We will also ask you to give consent to use the information for other in school purposes, as set out on the data collection/consent form.

We review the contact and consent form on an annual basis. It is important to inform school if details or your decision about consent changes. A form is available.

## **11 Pupil Consent Procedure**

Where processing relates to a child under 16 years old, school will obtain the consent from a person who has parental responsibility for the child.

## **12 Withdrawal of Consent**

Consent is defined by the UK GDPR 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”

If you wish to withdraw consent we have a form to complete (Appendix 2 and 3) to allow us to process your request. There are sometimes when you cannot withdraw consent as explained in the ‘Data Subjects Rights’.

## **13 Physical Security**

In school, every secure area has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, i.e. locked. Offices and cupboards that contain personal data should be secured if the processor is not present.

The Head Teacher is responsible for authorising access to secure areas along with SLT and the School Business Manager.

All Staff, contractors and third parties who have control over lockable areas must take due care to prevent data breaches.

### **Secure Disposal**

When disposal of items is necessary a suitable process must be used. This is to secure the data, to provide a process that does not enable data to be shared in error, by malicious or criminal intent.

These processes, when undertaken by a third party are subject to contractual conditions to ensure GDPR and DPA compliance.

### **Hardware is disposed / recycled by:**

IT Collections

Unit 15,  
Victoria Way,  
Pride Park,  
Derby,

DE24 8AN  
Phone: 01332 239122/ 07930421612

**Hard copy files are destroyed by:**

PHS Group  
Block B,  
Western Industrial Estate,  
Caerphilly,  
CF83 1XH  
Phone: 029 2085 1000

**Servers and Hard drives are cleansed by:**

Mercury avs Limited  
Devonshire Croft,  
Betty Lane,  
Ashford in the Water,  
Derbyshire,  
DE45 1PZ

**Portable and removable storage are destroyed / cleaned/ recycled by:**

Mercury avs Limited  
Devonshire Croft,  
Betty Lane,  
Ashford in the Water,  
Derbyshire,  
DE45 1PZ

### **13 Complaints & the Information Commissioner (ICO)**

In the event of the Data Protection Manager or Data Protection Officer being unable to solve a complaint then they will direct the complainant to the complaints policy. Complaints should then be made to the Chairperson of the Governing Board who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure, (See web-site).

We will always try to resolve issues on an informal basis, and then through our formal complaints procedure.

There is a right to complain if you feel that data has been shared without consent or lawful authority and if you have asked us to erase, rectify, not process data and we have not agreed to your request.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner:

**This policy will be updated as necessary to reflect best practice or amendments. In the UK it is the ICO who has responsibility for safeguarding and enforcing the DPA obligations.**

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Helpline: 0303 123 1113  
Email: [casework@ico.org.uk](mailto:casework@ico.org.uk)  
Website: [www.ico.gov.uk](http://www.ico.gov.uk)

#### **14 Contacts**

Our DPO is J. A. Walker, Solicitor, Office 7, The Courtyard, Gaulby Lane, Stoughton, Leicestershire, LE2 2FL

E-mail: [info@jawalker.co.uk](mailto:info@jawalker.co.uk)  
Tel No: 0333 772 9763

Head Teacher, Helen Kelk Tel: 01332 229229 or e-mail [head@rosehill.derby.sch.uk](mailto:head@rosehill.derby.sch.uk)

Chair of Governors, [chair@rosehill.derby.sch.uk](mailto:chair@rosehill.derby.sch.uk)

#### **15 Review**

A review of the effectiveness of UK GDPR compliance and processes will be conducted by the Data Protection Officer every 12/24 months.

#### **16 Policy Approval – 18<sup>th</sup> May 2023 –To be reviewed May 2025**

**Signature of Headteacher**

**Date:**

**Signature of Chair of Governors**

**Date:**

## Procedures for Requesting Information from the School

## APPENDIX 1

Requests for information under the Data Protection Act are called Subject Access Requests.

To access personal data the request must be made in writing, which includes email, and be addressed to Helen Kelk, Head Teacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

The school will respond within a calendar month, and may provide information in a digital or electronic format. In exceptional circumstances the period may be extended by up to a further calendar month.

Maintained schools:

A request to access a pupil's educational record should be made in writing to the Board of Governors. This covers information that comes from a teacher or other employee of a local authority or school, the pupil or parent, and is processed by or for the school's governing board or teacher, except for information the teacher has solely for their own use. A request for an educational record must receive a response within 15 school days.

### 1. Process

1.1 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.*

1.2 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 Head teacher 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.

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

1.4 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 will be sought.

- 1.5 Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed, nor will information that would reveal that the child is at risk of abuse, or information relating to court proceedings as part of a subject access request.
- 1.6 If there are concerns over the disclosure of information then additional advice should be sought.
- 1.7 Where redaction (information blacked out/removed) has taken place then a full copy of the information provided will be retained in order to establish, if a complaint is made, what was redacted and why.
  - 1.7 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.

## **Feedback and Complaints**

### **UK GDPR and DPA Complaints**

All Staff must be aware of the complaints process. In the first instance all GDPR and DPA complaints should be directed to the Data Protection manager or Data Protection Officer. Should the complaint have relation to the Data Protection manager or Data Protection officer complaints should be directed to the chairperson. If any member of staff is aware that a person wishes to complain they should direct the person to the school website to view this policy and the complaints policy and form.

The Headteacher/SBM / Data Protection Officer is responsible for dealing with all complaints in line with this procedure.

The school complaints policy sets out the complaints process. This will be the basis for dealing with Data Protection Complaints and appeals. A written outcome will be provided.

If the school does not comply with a Subject Access Request within 1 month (subject to any extension), or refuses all or part of the request, written reasons will be provided, setting out the principles for the refusal.

If you feel that the school has not dealt with your matter satisfactorily you can complain to the Information Commissioner

By post:  
Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Or by email: [casework@ico.org.uk](mailto:casework@ico.org.uk)

More information is on the ICO website [www.ico.org.uk](http://www.ico.org.uk)

If you require further assistance or wish to make a complaint regarding information you have received or been refused then initially this should be addressed to the Head teacher or if appropriate, the Chair of the Governing Board, Rosehill Infant & Nursery School, Reginald Street, Derby, DE23 8FQ

## SAR request form

### Data Subject (person who information is about)

Title	
Name	
Date of Birth	
Year group (if child or young person)	

### Person making the request

Name	
Date of Birth	
Address	
Email Address	
Contact phone no	
Identification Evidence Provided (if required ) Passport Driving license Or two forms of Utility bill within last 3 months Bank statement of last three months Council Tax bill Rent book	

### Status of person making request

Parent or person with Parental Responsibility	
Are you acting on their written authority (please provide a copy of the consent)	
If not the parent or with PR, what is your role?	

### Details of Data Requested



**Declaration**

I, ....., hereby request that Rosehill Infant & Nursery School provide the data requested about me.

Signature:

Dated:

I, ....., hereby request that Rosehill Infant & Nursery School provide the data requested about .....(insert child's name) on the basis of the authority that I have provided.

Signature:

Dated:

**Consent Withdrawal Form – Individual (Adult)**

Please complete and deliver this form to the school office with your signature.

Please note that as a school we may have contractual, statutory and/or regulatory reasons why we will still process and hold details of a pupil, parent, staff member, volunteer or other person.

Where two parents share parental responsibility, or where PR is shared and the pupil is capable of expressing a view and there is conflict between the individuals the process of withdrawing consent will be subject to an evaluation and discussion to enable a decision to be reached that is considered to be in the pupil’s best interests.

Withdrawal of consent for an individual

I, ..... , withdraw consent for .....  
(Rosehill Infant & Nursery School) to process my personal data. I withdraw consent to process my personal data for the purpose of ..... , which was previously granted. Signed:

Date:

Received  
by school  
School  
staff  
member:

Dated:

Actions:

**Consent Withdrawal Form – on behalf of Pupil**

Please complete and deliver this form to the school office with your signature.

Please note that as a school we may have contractual, statutory and/or regulatory reasons why we will still process and hold details of a pupil, parent, staff member, volunteer or other person.

Where two parents share parental responsibility, or where PR is shared and the pupil is capable of expressing a view and there is conflict between the individuals the process of withdrawing consent will be subject to an evaluation and discussion to enable a decision to be reached that is considered to be in the pupil's best interests.

We may need to seek identification evidence and have sight of any Court Order or Parental Responsibility Agreement in some cases to action this request. If this is the case a senior member of school staff will discuss this with you.

**Withdrawal of consent on behalf of a pupil**

I, ..... , withdraw consent in respect of  
..... (Pupil Name) for .....  
(Rosehill Infant & Nursery School) to process my personal data. I withdraw consent to  
process their personal data for the purpose of  
..... , which was previously  
granted.

I confirm that I am ..... (Parent/Carer) and  
that I have parental responsibility for the pupil.

Signed:

Date:

Received by school staff member:

Dated:

Actions: