

THE THINKING SCHOOLS FEDERATION  
GENERAL DATA PROTECTION & REGULATION POLICY

THE  
THINKING  
SCHOOLS  
FEDERATION



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**Chair of Governors/Governing Body**

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**SIGNATURE:**

**DATE:** January 2024

**ARTICLE 16** (right to privacy)

*Every child has the right to privacy. The law should protect the child’s private, family and home life, including protecting children from unlawful attacks that harm their reputation.*

Classification: PROTECTIVELY MARKED

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## 1. Introduction

Our school aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, handled, stored and processed in accordance with the [General Data Protection Regulation \(GDPR\)](#) and the expected provisions of the Data Protection Act 2018 (DPA 2018).

This policy applies to all users who handle information belonging to the school regardless of their work location i.e. on the school site, at home, remote or mobile working and applies to all personal data collected, handled, stored, transmitted or shared. It therefore includes information held electronically, on paper, or other physical media which is shared electronically, physically, orally or visually e.g. email, on paper, in a photograph, by telephone, presentation and/or video conferencing, etc.. (This list is not exhaustive).

## 2. Legal Framework

This policy meets the requirements of, but not limited to the GDPR and the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#) and the ICO's [code of practice for subject access requests](#). [The Freedom of Information Act 2000](#) , [The Freedom of Information and Data Protection \(Appropriate Limit and Fees\) Regulations 2004](#) and [The School Standards and Framework Act 1998](#)

*It also meets the requirements of:*

- The [Protection of Freedoms Act 2012](#) when referring to the use of biometric data.
- The ICO's [code of practice](#) for the use of surveillance cameras and personal information.
- In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#) (As amended in 2016), which gives parents the right of access to their child's educational record.

### 3. Definitions

Term	Definition
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<b>Special categories of personal data</b>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious or philosophical beliefs</li><li>• Trade union membership</li><li>• Genetics</li><li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li><li>• Health – physical or mental</li><li>• Sex life or sexual orientation</li></ul>

<b>Processing</b>	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.  Processing can be automated or manual.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data. (Highlands Primary School and Uphall Primary School)

<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller. (Includes contractors, the Council, & Examination body)
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

#### 4. The data controllers

Our schools process personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

Highlands Primary School and Uphall Primary School (The Thinking Schools Federation) are registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

#### 5. Roles and responsibilities

This policy applies to **all staff** employed by the schools, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

## 5.1 Governing board

The governing board has overall responsibility for ensuring that our schools comply with all relevant data protection obligations.

## 5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on schools data protection issues.

The DPO is also the first point of contact for individuals whose data the schools process, and for the ICO.

Our DPO is contactable via:

*The London Borough of Redbridge,  
Lynton House,  
255-259 High Road,  
Ilford,  
IG1 1NY,*

*Email: [dataprotection.schools@redbridge.gov.uk](mailto:dataprotection.schools@redbridge.gov.uk) ,*

*Tel: 020 8708 8393.*

## 5.3 Principal Learning Leader

The Principal Learning Leader acts as the representative of the data controller on a day-to-day basis.

## 5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way

- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

## 6. Data protection principles

The GDPR is based on data protection principles that our schools must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the Thinking Schools Federation aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual  
e.g. to protect someone's life

- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

## **7.2 Limitation, minimisation and accuracy**

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's record of processing activities.

## **8. Sharing personal data**

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
  - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law



- Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

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.

## **9. Subject access requests and other rights of individuals**

### **9.1 Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter or email it to [admin@uphallprimary.co.uk](mailto:admin@uphallprimary.co.uk) (Uphall) or [admin@highlandsprimary.net](mailto:admin@highlandsprimary.net) (Highlands). They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the **Principal Learning Lead and School Data Protection Officer**.

## 9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

## 9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

#### **9.4 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to [admin@uphallprimary.co.uk](mailto:admin@uphallprimary.co.uk) (Uphall) or [admin@highlandsprimary.net](mailto:admin@highlandsprimary.net) (Highlands). If staff receive such a request, they must immediately forward it to the **Principal Learning Leader (Dr K Atwal) and School Data Protection contacts, Mrs. Sharon Leavy at Uphall Primary or Mr. Steven Cordeweener at Highlands Primary.**

#### **10. Parental requests to see the educational record**

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

## **11. Photographs and videos**

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

## **12. Data protection by design and default**

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge

- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

### **13. Data security and storage of records**

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage. Data will be held for the designated retention period listed in the Retention Schedule (Appendix 1) at the end of this document.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals

- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our [online safety policy/ICT policy/acceptable use agreement/policy on acceptable use])
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

#### **14. Disposal of records**

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## **15. Personal data breaches**

The schools will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in the linked Data Security Breach Policy.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

## **16. Training**

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

## **17. Monitoring arrangements**

The school is responsible for monitoring and reviewing this policy. This policy will be reviewed **annually**.

## **18. Linked policy**

- **Data Security Breach Policy**

<b>Retention Schedule (Appendix 1)</b>	
<b>Type of Record/Document</b>	<b>Retention Period</b>
<b>SCHOOL-SPECIFIC RECORDS</b>	
Annual Curriculum	3 years
Annual Reports	6 years
□ Letters, Memos & Correspondence	3 years
Children's School Transfer Records	3 years
School Development Plan	7 years
Minutes of Senior Leadership Team and other Internal Administrative body	6 years
Staff briefing, Staff bulletin Records	2 years
HT's Log Book	7 years
Visitors' Book	3 years
School Brochure/Prospectus	Current year + 3 years
<b>INDIVIDUAL PUPIL RECORDS</b>	
Admissions: application forms, assessments, records of decisions	3 years
Examination results (external or internal)	7 years from pupil leaving school
Pupil file including: o Pupil reports o Pupil performance records o Pupil medical records	ALL: 25 years from date of birth* * <i>Unless there is good reason to consider this may be applicable evidence in a medical negligence or abuse claim: see 'Safeguarding' below.</i>
Parental Permission Slips for School Trips – where there has been a major incident	25 years: for all the pupils on the trips.



<b>SAFEGUARDING</b>	
<input type="checkbox"/> Policies and procedures	Keep a permanent record of historic policies
Special educational needs records ( <i>to be risk assessed individually</i> )	Date of birth + 25 years (allowing for special extensions to statutory limitation period)
Incident reporting	Keep on record for 35 years, ideally reviewed regularly (e.g. every 6 years) if a suitably qualified person is available and resources allow. **
<i>Limitation periods can be disapplied in criminal or civil abuse cases. However, rights under the DPA and insurers' requirements remain relevant.</i>	**Courts may be sympathetic if not, but the ICO (Information Commissioner's Office) will expect to see a responsible assessment policy in place.
<b>FINANCIAL RECORDS</b>	
Invoices/Credit Notes/Delivery Notes	6 Years
Bank Statements	6 Years
Payroll, CIS Records	6 Years
VAT Records	6 Years
Budgets and Internal Financial Reports	3 Years
Official Copy Orders	3 Years
Job & Requisition Orders	3 Years
Contracts	Length of contract + 3 years
Cheque Stubs	3 Years
Inventories	Indefinitely
Building Maintenance Quotes	3 Years

Supply Teacher Claim Copies	1 Year
Caretaker Timesheet Copies	1 Year
Staff Absenteeism Sheets/Records	2 Years
Dinner Money Returns/ Receipts	2 Years
Midday Staff Absence Sheets	2 Years
Insurance Policies	After the duration of the policy
Consistent Financial Returns (CFR)	7 Years
School Financial Value Standards (SFVS)	7 Years
School Fund Records	7 Years
Petty Cash Records	7 Years
<b>EMPLOYEE/ HUMAN RESOURCES RECORDS</b>	
Contracts of Employment	7 Years
<input type="checkbox"/> Staffing Records (incl. Appraisal)	7 Years
Payroll Records	Thru LBR
Pension Records	Thru LBR
Job Applications (unsuccessful applicants)	6 Months
Immigration Records	To be kept on staff's file
Continuing professional Development Pan	7 Years
<b>PREMISES, ENVIRONMENTAL &amp; HEALTH RECORDS</b>	
<input type="checkbox"/> Health Records	7 Years
<input type="checkbox"/> Building Maintenance & Improvement	Minimum 7 Years
Accidents to Children	25 Years
Accident at Work Records (Staff)	7 Years
Risk Assessment Records	7 Years
Contracts & Agreements	7 Years

Health & Safety Policy & Procedures	Current +7 Years
Asbestos Management Records	40 Years
Accessibility Strategy	12 Years
COSHH	Minimum 7 Years
CCTV recordings	30 days (90 days if data required as evidence)