

Data Protection and Management Policy

Sussex Road Primary School



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Approved by:	HT	Date:	September 2025
Next review due:	September 2026		

Legislation

The School is registered with the Information Commissioner (“ICO”) under the Data Protection Act 1998. This policy reflects the requirements of The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) adopted 27 April 2016, the two-year transition period), The Freedom of Information Act 2000 and the Protection of Freedoms Act 2012. In seeking to conform to GDPR the school is producing documentary evidence and will undertake audits to demonstrate accountability and ensure transparency regarding individuals’ rights.

General Statement of the School's Duties and Scope

Under the GDPR there are 6 recognisable justifications for organisations to collect and hold personal data:

- Consent – in the case of children under the age of 13, this must be provided by the parents or legal guardian.
- Contractual
- Legal basis – necessary to comply with a statutory obligation
- Vital interest
- Public interest
- Legitimate interest – this right may not override the fundamental rights and freedoms of the Data Subject

The School collects a large amount of personal data every year regarding members of staff, staff next of kin, volunteers, applicants, parents, pupils, siblings, additional emergency contacts, service providers and customers as part of its operation as well as the many different types of research data used by the School. In addition, the School is required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

Where the use of data falls outside this exemption the school will seek ‘opt in’ consent from parents/legal guardians, e.g. Photo online publication consent.

What is Personal Data?

Personal Data is defined as information relating to a living individual, who can be identified from the information in isolation or in combination with other information. Examples might include:

- material necessary for employment such as the member of staff’s name and address and details for payment of salary; or
- a pupil’s attendance record and exam results.
- any expression of opinion about an individual and intentions towards an individual.

It also applies to Personal Data held visually in photographs or video clips (including CCTV) or as sound recordings.

Personal Data may also include sensitive information as defined in the Act. This may include references to racial origin, sexual orientation, political or religious views, criminal records or mental health of the individual.

Responsibilities

Data Protection Officer

The School has appointed a third party, SPS DPO Services, as a Data Protection Officer (DPO) in accordance with this Policy and The Freedom of Information Act 2000, the Protection of Freedoms Act 2012 and The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679). For help or advice on any data protection or freedom of information issues, please do not hesitate to contact

Invicta Law Ltd

Tel: 01622 392051

Email: dpo@invicta.law

The ICO's website (www.ico.gov.uk) provides further detailed guidance on a range of topics including individuals' rights, exemptions from the Act, dealing with subject access requests, how to handle requests from third parties for personal data to be disclosed etc. The leaflet A Guide to Data Protection is available from the website.

The School as Data Controller

The school, as a corporate body, is named as the Data Controller under the Act and has a legal responsibility to comply with it. Data Controllers are people or organisations who hold and use personal information. They decide how and why the information is used and have a responsibility to establish workplace practices and policies in line with the Act.

The school must:

- Manage and process personal data properly
- Protect everyone's right to privacy
- Provide an individual with access to all personal data held on them.

The school as a Data Controller will also:

- Monitor Compliance with GDPR
- Assist with Data Protection Impact Assessments
- Act as the primary data protection contact point
- Create inventories and hold a register of its data processing operations.
- Understand a risk-based approach to data processing
- Remain registered with the ICO
- Apply Local Authority Data retention policy and procedures to ensure information is not held longer than is necessary and ensure when information is authorised for disposal it is carried out appropriately
- Ensure appropriate security measures are in place to safeguard Personal Data held in paper files or on a computer system
- Only share personal information with others when it is necessary and legally appropriate to do so
- Train all staff so that they are aware of their responsibilities and of the school's relevant policies and procedures
- Set out clear procedures for responding to requests for access to personal information (SAR)

School staff as Data Processors

All staff members may undertake the role of Data Processor and will endeavour to ensure that all personal data is processed in compliance with this Policy in compliance with the law. Every member of staff holding personal information must comply with this policy and the law when managing that information. Staff members receive training and must sign to confirm their agreement to adhere to this policy.

Principles of GDPR

The school is committed to maintaining the principles of GDPR at all times. Personal Data shall be:

- processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**)
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**purpose limitation**)
- adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed (**data minimisation**)
- accurate and where necessary kept up to date and every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay (**accuracy**).
- kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the personal data is processed (**storage limitation**)
- safeguarded using appropriate technical and organisational measures to protect the rights and freedoms of the data subject and to ensure that personal information is processed in a manner that provides appropriate security of the personal data, protecting against unauthorised or unlawful processing of the data and against accidental loss, destruction, or damage to, the data (**integrity and confidentiality**).

Subject Access Requests (SAR)

Everyone has the right of access to information held by the School, subject to the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000. Anyone wishing to access their personal data should put their request in writing to the Headteacher.

The appropriate form of request: see **Appendix 1**. It must be completed by the parent or guardian of any child. A standalone Word version of the SAR request form may be found below this document – **Sussex Road School Form 2**

The School will acknowledge requests as soon as possible and endeavour to respond to any such request within 40 days. Where requested information may take longer, we will advise and offer all relevant available information in the interim. The information will be imparted to the data subject as soon as is reasonably possible after it has come to the School's attention and in compliance with the relevant Acts. The School may not charge for providing information in response to reasonable requests however there is dispensation where families make subsequent repeated requests for the same information.

Exemptions

Certain information is exempted from the provisions of the Data Protection Act including information held for the following: -

- The prevention or detection of crime; and
- Information processed by the school where it is necessary to exercise a right or obligation conferred or imposed by law upon the School, including Safeguarding and prevention of terrorism and radicalisation

The above are examples only of some of the exemptions under the Act. Advice on other exemptions should be sought from the ICO

Data Collection

In the first instance pupil data is provided by the Local Authority as part of the planned Admission process for Reception intake pupils. For all families, data is updated on completion of the School's Admissions forms. Data collection sheets are forwarded to families at the beginning of each new school year to update and check for errors. Families are required to sign and return forms to confirm the information held on their child is correct or advise of required amendments.

Where data is held which is deemed as being held outside the statutory requirements of the school, additional consent is requested as part of the Admission form. Where consent is not held families may opt in for specific events or formally opt in or out at any point in the child's career with us.

Staff data is collected from the formal job application forms. Data collection sheets are forwarded to each staff member at the beginning of each new school year to update and check for errors. The job holder is required to sign and return forms to confirm the information held on them is correct.

In accordance with DfE requirements Information is collected and held in School in respect of the members of the Governing Body. This information is shared with the DfE, and it is a requirement that basic information is also held on the public areas of the school's website.

Accuracy

The School will endeavour to ensure all Personal Data held by it is accurate. Everyone on whom we hold information must notify the school of any changes to information held about them. Everyone has the right in some circumstances to request that inaccurate information about them is erased. This does not apply in all cases, for example, where records of mistakes or corrections are kept, or records which must be kept in the interests of all parties to which they apply.

Enforcement

If an individual believes that the School has not complied with this Policy, the data subject's parent/legal guardian may raise their concern with the Headteacher or the Chair of Governors. A formal complaint may be raised using the School Complaints procedure and the DPO notified if there is no satisfactory outcome following this stage. Where a staff member wishes to raise a similar concern, they should use the Staff Grievance procedure.

The school must, and will, report to the ICO any Personal Data breach where it likely to result in a risk to peoples' rights and freedoms. For high-risk breaches it must also be report the facts to the affected individual.

Data Security

The School will take appropriate technical and organisational steps to ensure the security of personal data. All staff will be made aware of this policy and their duties under the Act.

The School and therefore all staff and pupils are required to respect the Personal Data and privacy of others and must ensure that appropriate protection and security measures are taken against unlawful or unauthorised processing of Personal Data, and against the accidental loss of, or damage to all the data.

An appropriate level of data security is deployed for the type of data and the data processing being performed. In most cases, Personal Data is stored in appropriate password protected systems and encrypted when transported offsite. Staff are allocated varying access rights to pupil and staff data according to their role within school. Data shared with third parties is transferred via secure sites or by password protected emails

Other Personal Data may be used for limited publication or publication within the School, therefore having a lower requirement for data security for example, photographs of lessons used as part of a classroom display.

Secure Destruction

When data is due for destruction under the terms of this policy and the general law, it will be destroyed securely in accordance with best practice at the time of destruction.

Retention of Data

The School may retain data for differing periods of time for different purposes as required by statute or best practices, individual departments incorporate these retention times into the processes and manuals. Other statutory obligations, legal processes and enquiries may also necessitate the retention of certain data. The School follows the Local Authority published data retention guidelines.

The School may store some data such as registers, photographs, exam results, achievements, books and works etc. indefinitely in its archive.



Appendix One



Sussex Road CP School Subject Access Request Form

Name of Requestor _____

Name of Data Subject _____

Date of application _____

What data are you requesting?

Please be specific. If we are unsure what data, you require we may contact you to seek further clarification.

Please remember that basic information such as addresses, emergency contact details medical information etc. is provided by families as each pupil joins the school. Families have the opportunity to update this information at any time.

Data collection sheets containing this information are also made available to families at the beginning of each school year for checking.

Please note: -

- We are not obliged to provide original documents, especially where a document may refer to third parties for whom you do not have access rights. In these cases, we will redact or exempt documents under the advice of the school's DPO, giving you reasons for our decision.
- Some information held in school is produced by other agencies. In such cases we do not own the data, and the agency has the right to refuse the school to release it.
- In the event of a delay in accessing all the data requested we will advise you and offer the available data in the interim.
- Once complete we will advise you that the data is ready for collection. You will be required to sign for the data received.
- We will decline repeat requests for same information, we are permitted to only supply data generated since any previous request.

Requested data received by _____ on _____

We may in certain circumstances request identification and evidence of your relationship with the person or pupil whose information you are asking for before processing your request