



# **Data Protection Policy**

**Ref: G002**

<b>Document Control</b>	
<b>Title</b>	Data Protection Policy
<b>Date</b>	March 2018
<b>Supersedes</b>	Previous predecessor trust 'Data Protection' policies
<b>Amendments</b>	N/A
<b>Related Policies/Guidance</b>	
<b>Review</b>	2 years
<b>Author</b>	Andrew Bryan
<b>Date consultation completed</b>	N/A
<b>Date adopted by Trust Board</b>	16 <sup>th</sup> March 2018

Prosperre Learning Trust is a Multi Academy Trust  
Registered in England and Wales number 10872612  
Registered Office: Firbank Road, Manchester, M23 2YS

The Prosperre Learning Trust has a number of Trust-wide policies which are adopted by all schools/academies in the Trust to ensure an equitable and consistent delivery of provision.

The Trust Board has responsibility for the operational of all schools/academies and the outcomes of all students however responsibility is delegated to the Local Governing Body of each school via the Scheme of Delegation.

Within our policies reference to:

- Governing Body / Governors relates to the members of the Local Governing Body representing the Trust Board.
- School includes a reference to school, academy or free school unless otherwise stated
- Headteacher includes a reference to Headteacher, Principal or Head of School of a school, academy or free school.

## Contents

1. Aims .....	4
2. Legislation and guidance .....	4
3. Definitions .....	4
4. The data controller .....	6
5. Roles and responsibilities .....	6
6. Data protection principles .....	7
7. Collecting personal data .....	7
8. Sharing personal data .....	8
9. Subject access requests and other rights of individuals .....	9
10. Parental requests to see the educational record .....	<b>Error! Bookmark not defined.</b>
11. Biometric recognition systems .....	11
12. CCTV .....	12
13. Photographs and videos .....	12
14. Data protection by design and default .....	13
15. Data security and storage of records .....	13
16. Disposal of records .....	14
17. Personal data breaches .....	14
18. Training .....	14
19. Monitoring arrangements .....	14
20. Links with other policies .....	15
Appendix A: What is personal data? .....	16
Appendix B: Personal data breach procedure .....	16
Appendix C: Information on data retention for all staff .....	16
Appendix D: Privacy Notices .....	16

**1. Aims**

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

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

**2. Legislation and guidance**

This policy meets the requirements of the GDPR and the expected provisions of 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](#) and,

- It meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data.
- It also reflects 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](#), which gives parents the right of access to their child’s educational record.
- In addition, this policy complies with our funding agreement and articles of association.

**3. Definitions**

Term	Definition
<p><b>Personal data</b></p>	<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>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
<b>Data subject</b>	<p>The identified or identifiable individual whose personal data is held or processed.</p>
<b>Data controller</b>	<p>A person or organisation that determines the purposes and the means of processing of personal data.</p>
<b>Data processor</b>	<p>A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
<b>Personal data breach</b>	<p>A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.</p>

## **4. The data controller**

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

The Trust is 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 our Trust, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

### **5.1 Trust Board**

The Trust Board has overall responsibility for ensuring that our Trust complies 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 Trust Board and, where relevant, report to the board their advice and recommendations on Trust data protection issues.

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

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Andrew Bryan and is contactable via [a.bryan@piperhill.manchester.sch.uk](mailto:a.bryan@piperhill.manchester.sch.uk)

### **5.3 Headteacher**

The headteacher 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 Trust 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 Trust 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 Trust 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 Trust can **fulfil a contract** with the individual, or the individual has asked the Trust to take specific steps before entering into a contract
- The data needs to be processed so that the Trust 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 Trust, 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 Trust 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 where the pupil is under 13 (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 Trust's Record Retention Policy.

## **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 Trust 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 using the 'Subject Access Request' form (which can be obtained from the school office or by emailing [requests@prospere.org.uk](mailto:requests@prospere.org.uk)) and returned to:

[requests@prospere.org.uk](mailto:requests@prospere.org.uk)

or

Data Protection Officer  
Prospere Learning Trust  
Piper Hill High School  
Firbank Road  
Manchester  
M23 2YS

## 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 aged 12 and above are generally 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 schools may not 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 the DPO. If staff receive such a request, they must immediately forward it to the DPO.

### **11. Biometric recognition systems**

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. Each school with the Trust is responsible for obtaining written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils.

Parents/carers and pupils can object to participation in biometric recognition system(s) available at a number of schools with the Trust, or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the biometric system(s) in Trust schools, we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the Trust will delete any relevant data already captured.

## **12. CCTV**

We use CCTV in various locations around Trust school sites to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to [name/job title].

## **13. Photographs and videos**

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

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

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 trust / school websites 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.

## **14. 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 Trust'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 Trust 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

## **15. 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.

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 T 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
- No data is to be stored on staff personal devices. Staff should work directly on school systems via the secure remote access system made available to all staff
- 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)

## **16. 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 Trust's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## **17. Personal data breaches**

The Trust 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 Appendix B.

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

- A non-anonymised dataset being published on school websites 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 Trust laptop containing non-encrypted personal data about pupils

## **18. 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 Trust's processes make it necessary.

## **19. Monitoring arrangements**

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill

that affect our Trust's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** and shared with the full Trust Board.

## **20. Links with other policies**

This data protection policy is linked to our:

- Freedom of information publication scheme

## Appendix A: What is personal data? – A quick reference guide

### Data Protection Act 1998 (awaiting ICO update – GDPR)

#### Introduction

If you hold information about individuals either on computer or in certain types of filing system you may be holding 'personal data'. Broadly speaking the DPA covers four types of information (referred to as 'data' in the Act):

- (i) information processed, or intended to be processed, wholly or partly by automatic means (that is, information in electronic form usually on computer)
- (ii) information processed in a non-automated manner which forms part of, or is intended to form part of, a 'filing system' (that is usually paper records in a filing system)
- (iii) information that forms part of an 'accessible record' (that is, certain health records, educational records and certain local authority housing or social services records, regardless of whether the information is processed automatically or is held in a relevant filing system)
- (iv) information held by a public authority (referred to as 'category 'e' data' as it falls within paragraph (e) of section 1(1) of the DPA).

In most circumstances it will be fairly easy to decide whether the information you hold falls within one of the four types of information covered by the DPA and whether the information 'relates to' an 'identifiable individual' and is therefore 'personal data' regulated by the Act.

Where you are unsure, this quick reference guide comprises a series of questions which, when worked through in order, are intended to help you determine whether you hold personal data.

**A flowchart of the questions is set out below.**



## Flow Chart

1. **Can a living individual be identified from the data, or, from the data and other information your possession, or likely to come into your possession?**

**Yes** Go to question 2.

**No** The data is not personal data for the purposes of the DPA.

2. **Does the data 'relate to' the identifiable living individual, whether in personal or family life, business or profession?**

**Yes** The data is 'personal data' for the purposes of the DPA.

**No** The data is not 'personal data' for the purposes of the DPA.

**Unsure** See questions 3 to 8 below.

3. **Is the data 'obviously about' a particular individual?**

**Yes** The data is 'personal data' for the purposes of the DPA.

**No** Go to question 4.

4. **Is the data 'linked to' an individual so that it provides particular information about that individual?**

**Yes** The data is 'personal data' for the purposes of the DPA.

**No** Go to question 5.

5. **Is the data used, or is it to be used, to inform or influence actions or decisions affecting an identifiable individual?**

**Yes** The data is 'personal data' for the purposes of the DPA.

**No** Go to question 6.

6. **Does the data have any biographical significance in relation to the individual?**

**Yes** The data is likely to be personal data for the purposes of the DPA.

**No** Go to question 7.

**Unsure** Go to question 7.

7. **Does the data focus or concentrate on the individual as its central theme rather than on some other person, or some object, transaction or event?**

**Yes** The data is likely to be personal data for the purposes of the DPA.

**No** Go to question 8.

**Unsure** Go to question 8.

8. **Does the data impact or have the potential to impact on an individual, whether in a personal, family, business or professional capacity?**

**Yes** The data is 'personal data' for the purposes of the DPA.

**No** The data is unlikely to be 'personal data'.

Source: Information Commissioner's Office (ICO)

[www.ico.gov.uk](http://www.ico.gov.uk)

## **Appendix B: Personal data breach procedure**

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- The DPO will alert the CEO and the chair of Trust Board
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss
  - Unauthorised reversal of pseudonymisation (for example, key-coding)
  - Damage to reputation
  - Loss of confidentiality
  - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored [set out where you keep records of these decisions – for example, on the Trust's computer system, or on a designated software solution]

- Where the ICO must be notified, the DPO will do this via the [‘report a breach’ page of the ICO website](#) within 72 hours. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored [set out where you will keep these records – for example, on the Trust’s computer system, or on a designated software solution]

- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

### **Actions to minimise the impact of data breaches**

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

**Sensitive information being disclosed via email (including safeguarding records)**

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error.
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error.
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it.
- In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way.
- The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request.
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted.

### Appendix C: Information on Records Retention for all staff

This is a summary of some of the information presented by the Information and Records Management Society in the Records Management Toolkit for Schools – a full copy of the toolkit can be found at <http://irms.org.uk/page/SchoolsToolkit>

Basic Description	Data Protection Issues	Retention Period	Action at end of Administrative life
Child Protection Files (held on pupil file)	Yes	DOB + 25 years	SECURE DISPOSAL – these records MUST be shredded
Child Protection Files (held in separate files)	Yes	If any records relating to child protection issues are placed on the pupil file, it should be in a sealed envelope and then retained for the same period of time as the pupil file.	SECURE DISPOSAL – these records MUST be shredded
Attendance registers	Yes	Date of register + 3 years	Shred
Pupil files	Yes	DOB + 25 years	Shred
SEN files, reviews & IEP	Yes	DOB + 25 years (this is a minimum period for SEN files)	Shred
Statements	Yes	DOB + 25 years [This would normally be retained on the pupil file]	Shred
Correspondence relating to authorised absence and issues	No	Current academic year + 2 years	Shred
Examination Results – Pupil Copies	Yes		
Public Examination results	No	This information should be added to the pupil file	All uncollected certificates should be returned to the examination board.
Internal examination results	Yes	This information should be added to the pupil file	
School Development Plan	No	Current year + 6 years	Shred
Curriculum returns	No	Current year + 3 years	Shred
Timetable	No	Current year + 1 year	
Markbooks, records of homework set, pupils' work	No	Current year + 1 year	Shred

Records created by schools to obtain approval to run an Educational Visit outside the Classroom	No	Date of visit + 10 years	Disposal
Parental permission slips for school trips	Yes	Conclusion of the trip	Shred
Parental permission slips for school trips – where there has been a major incident	Yes	DOB of the pupil involved in the incident + 25 years. The permission slips for all pupils on the trip need to be retained to show that the rules had been followed for all pupils.	Shred
Staff personnel file	Yes	Termination + 7 years	Shred
Annual appraisal / assessment records	Yes	Current year + 5 years	Shred
Records relating to accident/injury at work	Yes	Date of incident + 12 years. Longer for serious accidents.	Shred
Interview notes & recruitment records	Yes	Date of Interview + 6 months	Shred
COSHH	No	Current year + 40 years	Shred
Incident reports	Yes	Current year + 20 years	Shred
Risk Assessments	Yes	Life of risk assessment + 3 years	Shred
Visitors' Books and Signing in Sheets	Yes	Current year + 6 years then REVIEW	Shred
Fire precautions log books	No	Current year + 6 years	Shred
Governor meeting minutes (principal signed set)	No	One copy should be retained with the master set of minutes. All other copies can be disposed of	Shred
Governor meeting reports	No	Reports should be kept for a minimum of 6 years. However, if the minutes refer directly to individual reports then the reports should be kept permanently	Shred

## Appendix D: Privacy Notices

### Privacy Notice for Parents / Carers

Under data protection law, individuals have a right to be informed about how the School / Trust uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about **pupils**.

We, the **PROSPERE LEARNING TRUST** are the 'data controller' for the purposes of data protection law.

Our Data Protection Officer is Andi Bryan (see 'Contact us' below).

#### The personal data we hold

Personal data that we may collect, use, store and share (when appropriate) about pupils includes, but is not restricted to:

- Contact details, contact preferences, date of birth, identification documents
- Results of internal assessments and externally set tests
- Pupil and curricular records
- Characteristics, such as ethnic background, eligibility for free school meals, or special educational needs
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information
- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs
- CCTV images captured in school

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities and the Department for Education.

#### Why we use this data

We use this data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide appropriate pastoral care
- Protect pupil welfare
- Assess the quality of our services
- Administer admissions waiting lists
- Comply with the law regarding data sharing

### **Our legal basis for using this data**

We only collect and use pupils' personal data when the law allows us to. Most commonly, we process it where:

- We need to comply with a legal obligation
- We need it to perform an official task in the public interest

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way
- We need to protect the individual's vital interests (or someone else's interests)

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent, and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

### **Collecting this information**

While the majority of information we collect about pupils is mandatory, there is some information that can be provided voluntarily.

Whenever we seek to collect information from you or your child, we make it clear whether providing it is mandatory or optional. If it is mandatory, we will explain the possible consequences of not complying.

### **How we store this data**

We keep personal information about pupils while they are attending our school. We may also keep it beyond their attendance at our school if this is necessary in order to comply with our legal obligations. Our [record retention schedule/records management policy] sets out how long we keep information about pupils.

### **Data sharing**

We do not share information about pupils with any third party without consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about pupils with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions*
- *The Department for Education*
- *The pupil's family and representatives*
- *Educators and examining bodies*
- *Our regulator [specify as appropriate, e.g. Ofsted, Independent Schools Inspectorate]*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for*
- *Financial organisations*



- *Central and local government*
- *Our auditors*
- *Survey and research organisations*
- *Health authorities*
- *Security organisations*
- *Health and social welfare organisations*
- *Professional advisers and consultants*
- *Charities and voluntary organisations*
- *Police forces, courts, tribunals*
- *Professional bodies*

### **National Pupil Database**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#) (NPD), which is owned and managed by the Department and provides evidence on school performance to inform research. The database is held electronically so it can easily be turned into statistics. The information is securely collected from a range of sources including schools, local authorities and exam boards.

The Department for Education may share information from the NPD with other organisations which promote children's education or wellbeing in England. Such organisations must agree to strict terms and conditions about how they will use the data.

For more information, see the Department's webpage on [how it collects and shares research data](#). You can also [contact the Department for Education](#) with any further questions about the NPD.

### **Youth support services**

Once our pupils reach the age of 13, we are legally required to pass on certain information about them to Career Connect (Manchester Targeted Youth Support Services), as it has legal responsibilities regarding the education or training of 13-19 year olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers. We are legally required to provide, at minimum, your child's name, address and date of birth to Career Connect (Manchester Targeted Youth Support Services).

However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

### **Transferring data internationally**

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.

### **Parents and pupils' rights regarding personal data**

Individuals have a right to make a **‘subject access request’** to gain access to personal information that the school holds about them.

Parents/carers can make a request with respect to their child’s data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 12), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and if we do hold information about you or your child, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you or your child
- Tell you who it has been, or will be, shared with
- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request please contact our Data Protection Officer.

### **Other rights**

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe, including the right to:

- Object to the use of personal data if it would cause, or is causing, damage or distress
- Prevent it being used to send direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Data Protection Officer (see Contact Us).

### **Complaints**

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**:

Andrew Bryan – [dpo@prospere.org.uk](mailto:dpo@prospere.org.uk) or 0161 436 3009.

Prospere Learning Trust

Piper Hill High School

Firbank Road, Wythenshawe, Manchester, M23 2YS

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended for parents and to reflect the way we use data in this school.*

## Privacy Notice for Pupils

You have a legal right to be informed about how our school uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to you where we are processing your personal data.

This privacy notice explains how we collect, store and use personal data about you.

We, the **PROSPERE LEARNING TRUST**, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Andi Bryan (see 'Contact us' below).

### The personal data we hold

We hold some personal information about you to make sure we can help you learn and look after you at school.

For the same reasons, we get information about you from some other places too – like other schools, the local council and the government.

This information includes:

- Your contact details
- Your test results
- Your attendance records
- Your characteristics, like your ethnic background or any special educational needs
- Any medical conditions you have
- Details of any behaviour issues or exclusions
- Photographs
- CCTV images

### Why we use this data

We use this data to help run the school, including to:

- Get in touch with you and your parents when we need to
- Check how you're doing in exams and work out whether you or your teachers need any extra help
- Track how well the school as a whole is performing
- Look after your wellbeing

### Our legal basis for using this data

We will only collect and use your information when the law allows us to. Most often, we will use your information where:

- We need to comply with the law
- We need to use it to carry out a task in the public interest (in order to provide you with an education)

Sometimes, we may also use your personal information where:

- You, or your parents/carers have given us permission to use it in a certain way
- We need to protect your interests (or someone else's interest)

Where we have got permission to use your data, you or your parents/carers may withdraw this at any time. We will make this clear when we ask for permission, and explain how to go about withdrawing consent.

Some of the reasons listed above for collecting and using your information overlap, and there may be several grounds which mean we can use your data.

### **Collecting this information**

While in most cases you, or your parents/carers, must provide the personal information we need to collect, there are some occasions when you can choose whether or not to provide the data.

We will always tell you if it's optional. If you must provide the data, we will explain what might happen if you don't.

### **How we store this data**

We will keep personal information about you while you are a pupil at our school. We may also keep it after you have left the school, where we are required to by law.

We have a [record retention schedule/records management policy] which sets out how long we must keep information about pupils.

### **Data sharing**

We do not share personal information about you with anyone outside the school without permission from you or your parents/carers, unless the law and our policies allow us to do so.

Where it is legally required, or necessary for another reason allowed under data protection law, we may share personal information about you with:

- *Our local authority – to meet our legal duties to share certain information with it, such as concerns about pupils' safety and exclusions*
- *The Department for Education (a government department)*
- *Your family and representatives*
- *Educators and examining bodies*
- *Our regulator (the organisation or "watchdog" that supervises us), ([specify as appropriate, e.g. Ofsted, Independent Schools Inspectorate])*
- *Suppliers and service providers – so that they can provide the services we have contracted them for*
- *Financial organisations*
- *Central and local government*
- *Our auditors*
- *Survey and research organisations*

- *Health authorities*
- *Security organisations*
- *Health and social welfare organisations*
- *Professional advisers and consultants*
- *Charities and voluntary organisations*
- *Police forces, courts, tribunals*
- *Professional bodies*

### **National Pupil Database**

We are required to provide information about you to the Department for Education (a government department) as part of data collections such as the school census.

Some of this information is then stored in the [National Pupil Database](#), which is managed by the Department for Education and provides evidence on how schools are performing. This, in turn, supports research.

The database is held electronically so it can easily be turned into statistics. The information it holds is collected securely from schools, local authorities, exam boards and others.

The Department for Education may share information from the database with other organisations which promote children's education or wellbeing in England. These organisations must agree to strict terms and conditions about how they will use your data.

You can find more information about this on the Department for Education's webpage on [how it collects and shares research data](#).

You can also [contact the Department for Education](#) if you have any questions about the database.

### **Youth support services**

Once you reach the age of 13, we are legally required to pass on certain information about you to Career Connect (Manchester Targeted Youth Support Services), as it has legal responsibilities regarding the education or training of 13-19 year olds.

This information enables it to provide youth support services, post-16 education and training services, and careers advisers. We are legally required to provide, at minimum, your name, address and date of birth to Career Connect (Manchester Targeted Youth Support Services).

However, where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

### **Transferring data internationally**

Where we share data with an organisation that is based outside the European Economic Area, we will protect your data by following data protection law.

### **Your rights**

#### **How to access personal information we hold about you**

You can find out if we hold any personal information about you, and how we use it, by making a **'subject access request'**, as long as we judge that you can properly understand your rights and what they mean.

If we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and using it, and how long we will keep it for
- Explain where we got it from, if not from you or your parents
- Tell you who it has been, or will be, shared with
- Let you know if we are using your data to make any automated decisions (decisions being taken by a computer or machine, rather than by a person)
- Give you a copy of the information

You may also ask us to send your personal information to another organisation electronically in certain circumstances.

If you want to make a request please contact our Data Protection Officer (see Contact Us).

### Your other rights over your data

You have other rights over how your personal data is used and kept safe, including the right to:

- Say that you don't want it to be used if this would cause, or is causing, harm or distress
- Stop it being used to send you marketing materials
- Say that you don't want it used to make automated decisions (decisions made by a computer or machine, rather than by a person)
- Have it corrected, deleted or destroyed if it is wrong, or restrict our use of it
- Claim compensation if the data protection rules are broken and this harms you in some way

### Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong.

You can make a complaint at any time by contacting our data protection officer.

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**:

- Andi Bryan – [requests@prospere.org.uk](mailto:requests@prospere.org.uk) or 0161 436 3009.

*This notice is based on the [Department for Education's model privacy notice](#) for pupils, amended to reflect the way we use data in this school.*

## Privacy Notice for Staff

Under data protection law, individuals have a right to be informed about how the school uses any personal data that we hold about them. We comply with this right by providing 'privacy notices' (sometimes called 'fair processing notices') to individuals where we are processing their personal data.

This privacy notice explains how we collect, store and use personal data about individuals we employ, or otherwise engage, to work at our school.

We, the **PROSPERE LEARNING TRUST**, are the 'data controller' for the purposes of data protection law.

Our data protection officer is Andi Bryan (see 'Contact us' below).

### The personal data we hold

We process data relating to those we employ, or otherwise engage, to work at our school. Personal data that we may collect, use, store and share (when appropriate) about you includes, but is not restricted to:

- Contact details
- Date of birth, marital status and gender
- Next of kin and emergency contact numbers
- Salary, annual leave, pension and benefits information
- Bank account details, payroll records, National Insurance number and tax status information
- Recruitment information, including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process
- Qualifications and employment records, including work history, job titles, working hours, training records and professional memberships
- Performance information
- Outcomes of any disciplinary and/or grievance procedures
- Absence data
- Copy of driving licence
- Photographs
- CCTV footage
- Data about your use of the school's information and communications system

We may also collect, store and use information about you that falls into "special categories" of more sensitive personal data. This includes information about (where applicable):

- Race, ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Health, including any medical conditions, and sickness records

### Why we use this data

The purpose of processing this data is to help us run the school, including to:



- Enable you to be paid
- Facilitate safe recruitment, as part of our safeguarding obligations towards pupils
- Support effective performance management
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Improve the management of workforce data across the sector
- Support the work of the School Teachers' Review Body

### **Our lawful basis for using this data**

We only collect and use personal information about you when the law allows us to. Most commonly, we use it where we need to:

- Fulfil a contract we have entered into with you
- Comply with a legal obligation
- Carry out a task in the public interest

Less commonly, we may also use personal information about you where:

- You have given us consent to use it in a certain way
- We need to protect your vital interests (or someone else's interests)

Where you have provided us with consent to use your data, you may withdraw this consent at any time. We will make this clear when requesting your consent, and explain how you go about withdrawing consent if you wish to do so.

Some of the reasons listed above for collecting and using personal information about you overlap, and there may be several grounds which justify the school's use of your data.

### **Collecting this information**

While the majority of information we collect from you is mandatory, there is some information that you can choose whether or not to provide to us.

Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

### **How we store this data**

We create and maintain an employment file for each staff member. The information contained in this file is kept secure and is only used for purposes directly relevant to your employment.

Once your employment with us has ended, we will retain this file and delete the information in it in accordance with our [record retention schedule/records management policy].

## Data sharing

We do not share information about you with any third party without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law) we may share personal information about you with:

- *Our local authority – to meet our legal obligations to share certain information with it, such as safeguarding concerns and [maintained schools only] information about headteacher performance and staff dismissals*
- *The Department for Education*
- *Your family or representatives*
- *Educators and examining bodies*
- *Our regulator [specify as appropriate e.g. Ofsted, Independent Schools Inspectorate]*
- *Suppliers and service providers – to enable them to provide the service we have contracted them for, such as payroll*
- *Financial organisations*
- *Central and local government*
- *Our auditors*
- *Survey and research organisations*
- *Trade unions and associations*
- *Health authorities*
- *Security organisations*
- *Health and social welfare organisations*
- *Professional advisers and consultants*
- *Charities and voluntary organisations*
- *Police forces, courts, tribunals*
- *Professional bodies*
- *Employment and recruitment agencies*

## Transferring data internationally

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.

## Your rights

### How to access personal information we hold about you

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

If you make a subject access request, and if we do hold information about you, we will:

- Give you a description of it
- Tell you why we are holding and processing it, and how long we will keep it for
- Explain where we got it from, if not from you
- Tell you who it has been, or will be, shared with

- Let you know whether any automated decision-making is being applied to the data, and any consequences of this
- Give you a copy of the information in an intelligible form

You may also have the right for your personal information to be transmitted electronically to another organisation in certain circumstances.

If you would like to make a request, please contact our data protection officer.

### Your other rights regarding your data

Under data protection law, individuals have certain rights regarding how their personal data is used and kept safe. You have the right to:

- Object to the use of your personal data if it would cause, or is causing, damage or distress
- Prevent your data being used to send direct marketing
- Object to the use of your personal data for decisions being taken by automated means (by a computer or machine, rather than by a person)
- In certain circumstances, have inaccurate personal data corrected, deleted or destroyed, or restrict processing
- Claim compensation for damages caused by a breach of the data protection regulations

To exercise any of these rights, please contact our Data Protection Officer (see Contact Us).

### Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, please contact our data protection officer.

Alternatively, you can make a complaint to the Information Commissioner's Office:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

### Contact us

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**:

Andrew Bryan – [dpo@prospere.org.uk](mailto:dpo@prospere.org.uk) or 0161 436 3009.

Prospere Learning Trust

Piper Hill High School

Firbank Road, Wythenshawe, Manchester, M23 2YS

*This notice is based on the [Department for Education's model privacy notice](#) for the school workforce, amended to reflect the way we use data in this school.*