

WYVERN COLLEGE POLICY NUMBER 26 GDPR AND DATA PROTECTION

General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the legislation. It will apply to personal information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

Policy Objectives

The College as the Data Controller will comply with its obligations under the GDPR and DPA. The College is committed to being concise, clear and transparent about how it obtains and uses personal information and will ensure data subjects are aware of their rights under the legislation.

All staff must have a general understanding of the law and understand how it may affect their decisions in order to make an informed judgement about how information is gathered, used and ultimately deleted. All staff must read, understand and comply with this policy.

The Information Commissioner as the Regulator can impose fines of up to 20 million Euros (approximately £17 million) for serious breaches of the GDPR, therefore it is imperative that the College and all staff comply with the legislation.

Scope of the Policy

Personal data is any information that relates to an identified or identifiable living individual who can be identified directly or indirectly from the information¹. The information includes factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of a living individual. This includes any expression of opinion about an individual and intentions towards an individual. Under the GDPR personal information also includes an identifier such as a name, an identification number, location data or an online identifier.

The College collects a large amount of personal data every year including: pupil records, staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the College. In addition, it may be 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.

The Principles

The principles set out in the GDPR must be adhered to when processing personal data:

¹ GDPR Article 4 Definitions

1. Personal data must be processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**)
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**purpose limitation**)
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed (**data minimisation**)
4. Personal data shall be 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**).
5. Personal data shall be 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**)
6. Appropriate technical and organisational measures shall be taken to safeguard the rights and freedoms of the data subject and to ensure that personal information are processed in a manner that ensures appropriate security of the personal data and protects against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (**integrity and confidentiality**).

Transfer Limitation

In addition, personal data shall not be transferred to a country outside the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data as determined by the European Commission or where the organisation receiving the data has provided adequate safeguards².

This means that individuals' rights must be enforceable and effective legal remedies for individuals must be available following the transfer. It may also be possible to transfer data where the data subject has provided explicit consent or for other limited reasons. Staff should contact the DPO if they require further assistance with a proposed transfer of personal data outside of the EEA.

Lawful Basis for processing personal information

Before any processing activity starts for the first time, and then regularly afterwards, the purpose(s) for the processing activity and the most appropriate lawful basis (or bases) for that processing must be selected:

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the College
- Processing is necessary for the performance of a contract to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract
- Processing is necessary for compliance with a legal obligation to which the data controller is subject

² These may be provided by a legally binding agreement between public authorities or bodies, standard data protection clauses provided by the ICO or certification under an approved mechanism.

- Processing is necessary in order to protect the vital interests of the data subject or of another natural person
- Processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party³
- The data subject has given consent to the processing of his or her data for one or more specific purposes. Agreement must be indicated clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity are unlikely to be sufficient. If consent is given in a document which deals with other matters, the consent must be kept separate from those other matters

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured. Consent may need to be reviewed if personal data is intended to be processed for a different and incompatible purpose which was not disclosed when the data subject first gave consent.

The decision as to which lawful basis applies must be documented, to demonstrate compliance with the data protection principles and include information about both the purposes of the processing and the lawful basis for it in the College's relevant privacy notice(s).

When determining whether legitimate interests are the most appropriate basis for lawful processing (only where appropriate outside the College's public tasks) a legitimate interests assessment must be carried out and recorded. Where a significant privacy impact is identified, a data protection impact assessment (DPIA) may also need to be conducted.

Sensitive Personal Information

Processing of sensitive personal information (known as 'special categories of personal data') is prohibited⁴ unless a lawful special condition for processing is identified.

Sensitive personal information is data which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life or orientation or is genetic or biometric data which uniquely identifies a natural person.

Sensitive personal information will only be processed if:

- There is a lawful basis for doing so as identified on previous page
- One of the special conditions for processing sensitive personal information applies:
 - (a) the individual ('data subject') has given explicit consent (which has been clearly explained in a Privacy Notice)
 - (b) the processing is necessary for the purposes of exercising the employment law rights or obligations of the College or the data subject

³ The GDPR states that legitimate interests do not apply to processing carried out by public authorities in the performance of their tasks, Article 6 However, the ICO indicates that where there are other legitimate purposes outside the scope of the tasks as a public authority, legitimate interests may be considered where appropriate (particularly relevant for public authorities with commercial interests).

⁴ GDPR, Article 9

- (c) the processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent
- (d) the processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade-union aim
- (e) the processing relates to personal data which are manifestly made public by the data subject
- (f) the processing is necessary for the establishment, exercise or defence of legal claims
- (g) the processing is necessary for reasons of substantial public interest
- (h) the processing is necessary for purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, the provision of social care and the management of social care systems or services
- (i) the processing is necessary for reasons of public interest in the area of public health.

The College's privacy notice(s) set out the types of sensitive personal information that it processes, what it is used for, the lawful basis for the processing and the special condition that applies.

Sensitive personal information will not be processed until an assessment has been made of the proposed processing as to whether it complies with the criteria above and the individual has been informed (by way of a privacy notice or consent) of the nature of the processing, the purposes for which it is being carried out and the legal basis for it.

Unless the College can rely on another legal basis of processing, explicit consent is usually required for processing sensitive personal data. Evidence of consent will need to be captured and recorded so that the College can demonstrate compliance with the GDPR.

Data Protection Impact Assessments (DPIA)

All data controllers are required to implement 'Privacy by Design' when processing personal data.

This means the College's processes must embed privacy considerations and incorporate appropriate technical and organisational measures (like pseudonymisation) in an effective manner to ensure compliance with data privacy principles.

Where processing is likely to result in high risk to an individual's data protection rights (for example where a new technology is being implemented) a DPIA must be carried out to assess:

- whether the processing is necessary and proportionate in relation to its purpose
- the risks to individuals
- what measures can be put in place to address those risks and protect personal information.

Staff should adhere to the Data Protection Toolkit for Colleges from the DfE with reference to the DPIA template.

When carrying out a DPIA, staff should seek the advice of the DPO for support and guidance and once complete, refer the finalised document to the DPO for sign off.

Documentation and records

Written records of processing activities must be kept and recorded including:

- the name(s) and details of individuals or roles that carry out the processing
- the purposes of the processing
- a description of the categories of individuals and categories of personal data
- categories of recipients of personal data
- details of transfers to third countries, including documentation of the transfer mechanism safeguards in place
- retention schedules
- a description of technical and organisational security measures.

As part of the College's record of processing activities the DPO will document, or link to documentation on:

- information required for privacy notices
- records of consent
- controller-processor contracts
- the location of personal information;
- DPIAs and
- Records of data breaches.

Records of processing of sensitive information are kept on:

- The relevant purposes for which the processing takes place, including why it is necessary for that purpose
- The lawful basis for our processing and
- Whether the personal information is retained or erased in accordance with the Retention Schedule and, if not, the reasons for not following the policy.

The College should conduct regular reviews of the personal information it processes and update its documentation accordingly. This may include:

- Carrying out information audits to find out what personal information is held
- Talking to staff about their processing activities
- Reviewing policies, procedures, contracts and agreements to address retention, security and data sharing.

Privacy Notice

The College will issue privacy notices as required, informing data subjects (or their parents, depending on age of the pupil, if about pupil information) about the personal information that it collects and holds relating to individual data subjects, how individuals can expect their personal information to be used and for what purposes.

When information is collected directly from data subjects, including for HR or employment purposes, the data subject shall be given all the information required by the GDPR including the identity of the DPO, how and why the College will use, process, disclose, protect and retain that personal data through a privacy notice (which must be presented when the data subject first provides the data).

When information is collected indirectly (for example from a third party or publicly available source) the data subject must be provided with all the information required by the GDPR as soon as possible after collecting or receiving the data. The College must also check that the data was collected by the third party in accordance with the GDPR and on a basis which is consistent with the proposed processing of the personal data.

The College will take appropriate measures to provide information in privacy notices in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

The College will issue a minimum of two privacy notices, one for pupil information, and one for workforce information, and these will be reviewed in line with any statutory or contractual changes. (See Appendices 1 and 2.)

Purpose Limitation

Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.

Personal data must not be used for new, different or incompatible purposes from that disclosed when it was first obtained unless the data subject has been informed of the new purposes and they have consented where necessary.

Data minimisation

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

Staff may only process data when their role requires it. Staff must not process personal data for any reason unrelated to their role.

The College maintains a Retention Schedule to ensure personal data is deleted after a reasonable time for the purpose for which it was being held, unless a law requires such data to be kept for a minimum time. Staff must take all reasonable steps to destroy or delete all personal data that is held in its systems when it is no longer required in accordance with the Schedule. This includes requiring third parties to delete such data where applicable.

Staff must ensure that data subjects are informed of the period for which data is stored and how that period is determined in any applicable Privacy Notice.

Individual Rights

Staff as well as any other 'data subjects' have the following rights in relation to their personal information:

- To be informed about how, why and on what basis that information is processed (*see the relevant privacy notice*)

- To obtain confirmation that personal information is being processed and to obtain access to it and certain other information, by making a subject access request.
- To have data corrected if it is inaccurate or incomplete
- To have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing ('the right to be forgotten')
- To restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but you do not want the data to be erased) or where the College no longer need the personal information, but you require the data to establish, exercise or defend a legal claim
- To restrict the processing of personal information temporarily where you do not think it is accurate (and the College are verifying whether it is accurate), or where you have objected to the processing (and the College are considering whether the College's legitimate grounds override your interests)
- In limited circumstances to receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format
- To withdraw consent to processing at any time (if applicable)
- To request a copy of an agreement under which personal data is transferred outside of the EEA.
- To object to decisions based solely on automated processing, including profiling
- To be notified of a data breach which is likely to result in high risk to their rights and obligations
- To make a complaint to the ICO or a Court.

Individual Responsibilities

During their employment, staff may have access to the personal information of other members of staff, suppliers, clients or the public. The College expects staff to help meet its data protection obligations to those individuals.

If you have access to personal information, you must:

- only access the personal information that you have authority to access and only for authorised purposes
- only allow other staff to access personal information if they have appropriate authorisation
- only allow individuals who are not College staff to access personal information if you have specific authority to do so
- keep personal information secure (e.g. by complying with rules on access to premises, computer access, password protection and secure file storage and destruction in accordance with the College's policies).

- not remove personal information, or devices containing personal information (or which can be used to access it) from the College's premises unless appropriate security measures are in place (such as pseudonymisation, encryption or password protection) to secure the information and the device
- not store personal information on local drives or on personal devices that are used for work purposes.

Information Security

The College will use appropriate technical and organisational measures to keep personal information secure, to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

All staff are responsible for keeping information secure in accordance with the legislation and must follow their College's acceptable usage policy.

The College will develop, implement and maintain safeguards appropriate to its size, scope and business, its available resources, the amount of personal data that it owns or maintains on behalf of others and identified risks (including use of encryption and pseudonymisation where applicable). It will regularly evaluate and test the effectiveness of those safeguards to ensure security of processing.

Staff must guard against unlawful or unauthorised processing of personal data and against the accidental loss of, or damage to, personal data. Staff must exercise particular care in protecting sensitive personal data from loss and unauthorised access, use or disclosure.

Staff must follow all procedures and technologies put in place to maintain the security of all personal data from the point of collection to the point of destruction. Staff may only transfer personal data to third-party service providers who agree in writing to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

Staff must maintain data security by protecting the **confidentiality, integrity and availability** of the personal data, defined as follows:

Confidentiality means that only people who have a need to know and are authorised to use the personal data can access it.

Integrity means that personal data is accurate and suitable for the purpose for which it is processed.

Availability means that authorised users can access the personal data when they need it for authorised purposes.

Staff must comply with and not attempt to circumvent the administrative, physical and technical safeguards the College has implemented and maintains in accordance with the GDPR and DPA.

Where the College uses external organisations to process personal information on its behalf, additional security arrangements need to be implemented in contracts with those organisations to safeguard the security of personal information. Contracts with external organisations must provide that:

- the organisation may only act on the written instructions of the College

- those processing data are subject to the duty of confidence
- appropriate measures are taken to ensure the security of processing
- sub-contractors are only engaged with the prior consent of the College and under a written contract
- the organisation will assist the College in providing subject access and allowing individuals to exercise their rights in relation to data protection
- the organisation will delete or return all personal information to the College as requested at the end of the contract
- the organisation will submit to audits and inspections, provide the College with whatever information it needs to ensure that they are both meeting their data protection obligations, and tell the College immediately if it does something infringing data protection law.

Before any new agreement involving the processing of personal information by an external organisation is entered into, or an existing agreement is altered, the relevant staff must seek approval from the DPO.

Storage and retention of personal information

Personal data will be kept securely in accordance with the College's data protection obligations.

Personal data should not be retained for any longer than necessary. The length of time data should be retained will depend upon the circumstances, including the reasons why personal data was obtained.

Personal information that is no longer required will be deleted in accordance with the College's Record Retention Schedule.

Data breaches

A data breach may take many different forms:

- Loss or theft of data or equipment on which personal information is stored
- Unauthorised access to or use of personal information either by a member of staff or third party
- Loss of data resulting from an equipment or systems (including hardware or software) failure
- Human error, such as accidental deletion or alteration of data
- Unforeseen circumstances, such as a fire or flood
- Deliberate attacks on IT systems, such as hacking, viruses or phishing scams
- Blagging offences where information is obtained by deceiving the organisation which holds it

The College must report a data breach to the Information Commissioner's Office (ICO) without undue delay and where possible within 72 hours, if the breach is likely to result in a risk to the rights and freedoms of individuals. The College must also notify the affected individuals if the breach is likely to result in a high risk to their rights and freedoms.

Staff should ensure they inform their line manager/DPO/Head teacher immediately that a data breach is discovered and make all reasonable efforts to recover the information, following the College's agreed breach reporting process.

Training

The College will ensure that staff are adequately trained regarding their data protection responsibilities.

Consequences of a failure to comply

The College takes compliance with this policy very seriously. Failure to comply puts data subjects whose personal information is being processed at risk and carries the risk of significant civil and criminal sanctions for the individual and the College and may in some circumstances amount to a criminal offence by the individual.

Any failure to comply with any part of this policy may lead to disciplinary action under the College's procedures and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

If you have any questions or concerns about this policy, you should contact your line manager or the College's DPO.

Review of Policy

This policy will be updated as necessary to reflect best practice or amendments made to the GDPR or DPA.

The Supervisory Authority in the UK

Please follow this link to the ICO's website (<https://ico.org.uk/>) which provides detailed guidance on a range of topics including individuals' rights, data breaches, dealing with subject access requests, how to handle requests from third parties for personal data etc.

Glossary

Automated Processing: any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements. profiling is an example of automated processing.

Consent: agreement which must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they, by a statement or by a clear positive action, which signifies agreement to the processing of personal data relating to them.

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. It is responsible for establishing practices and policies in line with the GDPR. The College is the Data Controller of all personal data relating to its pupils, parents and staff.

Data Subject: a living, identified or identifiable individual about whom we hold personal data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their personal data.

Data Privacy Impact Assessment (DPIA): tools and assessments used to identify and reduce risks of a data processing activity. DPIA can be carried out as part of Privacy by Design and should be conducted for all major systems or business change programs involving the processing of personal data.

Data Protection Officer (DPO): the person required to be appointed in public authorities under the GDPR.

EEA: the 28 countries in the EU, and Iceland, Liechtenstein and Norway.

Explicit Consent: consent which requires a very clear and specific statement (not just action).

General Data Protection Regulation (GDPR): General Data Protection Regulation ((EU) 2016/679). Personal data is subject to the legal safeguards specified in the GDPR.

Personal data is any information relating to an identified or identifiable natural person (data subject) who can be identified, directly or indirectly by reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Personal data includes sensitive personal data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Privacy by Design: implementing appropriate technical and organisational measures in an effective manner to ensure compliance with the GDPR.

Privacy Notices: separate notices setting out information that may be provided to Data Subjects when the College collects information about them. These notices may take the form of general privacy statements applicable to a specific group of individuals (for example, College workforce privacy policy) or they may be stand-alone privacy statements covering processing related to a specific purpose.

Processing means anything done with personal data, such as collection, recording, structuring, storage, adaptation or alteration, retrieval, use, disclosure, dissemination or otherwise making available, restriction, erasure or destruction.

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller.

Pseudonymisation or Pseudonymised: replacing information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person, to whom the data relates, cannot be identified without the use of additional information which is meant to be kept separately and secure.

Sensitive Personal Data: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental

health conditions, sexual life, sexual orientation, biometric or genetic data, and Personal data relating to criminal offences and convictions.

Review schedule

As a College, we review this policy **every 2 years**.

Created by:	M. Westlake - Business Manager
Date:	November 2018
Ratified and adopted by Governing Body:	26th November 2018
Next review date:	November 2020

APPENDIX 1

Privacy Notice for Wyvern College Workforce

The categories of information that we process include:

- personal information (such as name, employee or teacher number, national insurance number, photographs, emergency contact details)
- characteristics information (such as gender, age, ethnic group)
- contract information (such as start date, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- Performance information
- Information regarding disciplinary or grievance issues

In addition, we may process the following “special category information”:

- Relevant health or medical information (such as in respect of absences)
- Trade Union membership
- Race, ethnicity, or religious beliefs, sexual orientation

This list is not exhaustive.

Why we collect and use workforce information

We use workforce data to:

- a) enable individuals to be paid
- b) enable safe recruitment and compliance with associated responsibilities
- c) enable and support performance management
- d) inform the development of recruitment and retention policies
- e) enable the development of a comprehensive picture of the workforce and how it is deployed
- f) enable equalities monitoring and compliance with equalities duties
- g) ensure statutory returns are completed

Our legal bases for processing workforce information:

Under the General Data Protection Regulation (GDPR), the legal basis / bases we rely on for processing personal information for general purposes are:

- for the purposes of performance of a contract (e.g. contracts of employment, contracts for services etc)
- Where processing is necessary for compliance with legal obligations of the Governing Body (e.g. including but not limited to legal obligations under the Education Act 2002; Education Act 2005, the School Staffing Regulations 2009; the Employment Rights Act 1996, relevant tax law and other employment law obligations)
- Where processing is necessary for the performance of a task carried out in the public interest or exercise of official authority vested in the Governing Body (e.g. education functions associated with running a school).

In addition, concerning any special category data:

- Where processing is necessary for the purposes of carrying out obligations and exercising rights of the school or staff in the field of employment
- Where processing is necessary for reasons of substantial public interest (e.g. connected to the education functions associated with running a school)
- Where processing is necessary for the purposes of preventive or occupational medicine (e.g. where occupational health advice is sought)

Consent

In some circumstances, we may ask you for explicit consent to enable us to process your data. However, this will normally only be where there is no other legal basis for us to process this information. Where we rely on consent, you may withdraw your consent at any time.

Collecting workforce information

We collect personal information via job application forms and employee data collection sheets

Workforce data is essential for the school's / local authority's operational use. Whilst the majority of personal information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with GDPR, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

Storing workforce information

We hold data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit:

http://ldbsact.org/download/policies/Document%20Retention%20Schedule_Nov15.pdf

Who we share workforce information with

We routinely share some workforce information with:

- The local authority
- the Department for Education (DfE)
- Accountants appointed by the Academy

Why we share school workforce information

We do not share information about our workforce members with anyone without consent unless the law and our policies allow us to do so.

Local authority - We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (No 2) (England) Regulations 2007 and amendments.

Department for Education - The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our children and young people with the Department for Education (DfE) for the purpose of those data collections, under:

We are required to share information about our school employees with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We occasionally share workforce information with suppliers (for example a payroll provider, professional HR advisers or occupational health providers) to enable the school to receive services that support our legal obligations to staff (e.g. to pay them) or for the purposes of fulfilling public tasks (e.g. running and staffing a school).

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact The HR department: hrdept@wyvern.hants.sch.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact: Mr Paul Metcalfe Data Protection Officer

Appendix 2 Privacy Notice for Wyvern College (Students)

Why do we collect and use personal information?

Wyvern College is the data controller for the purposes of the Data Protection Act

We collect and use personal information:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services and how well our school is doing
- Statistical forecasting and planning
- to comply with the law regarding data sharing
- contributing to improving pupils health and reducing inequalities

The categories of personal information that we collect, hold and share include:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons) and exclusions
- Assessment information
- Modes of travel
- Relevant medical, special educational needs and behavioural information
- Post 16 learning information

The General Data Protection Regulation allows us to collect and use pupil information with consent of the data subject, where we are complying with a legal requirement, where processing is necessary to protect the vital interests of a data subject or another person and where processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. When the personal information is Special Category Information we may rely on processing being in the substantial public interest in addition to consent of the data subject and the vital interests of the data subject or another.

Our requirement for this data and our legal basis for processing this data includes the Education Act 1996, 2002 and 2011, The Childrens Act 1989 and 2004, Education and Skills Act 2008, Schools Standards and Framework Act 1998 and the Equalities Act 2010.

Collecting personal information

Whilst the majority of personal information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain personal information to us or if you have a choice in this. Where we are using your personal information only on the basis of your permission you may ask us to stop processing this personal information at any time.

Storing personal data

We hold pupil data for / in accordance with our retention schedule: http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwiameeB94zbAhXpLsAKHYv0B7UQFggnMAA&url=http%3A%2F%2Fidsact.org%2Fdownload%2Fpolicies%2FDocument%2520Retention%2520Schedule_Nov15.pdf&usq=AOvVaw3svCmLAXtPVSmd_-SGX2go

Who do we share pupil information with?

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- the NHS and School Nursing Service (health support and vaccination programmes)
- SIMS In Touch and SIMS Parent App (email communications, attendance monitoring, assessment data)
- Welfare Call (attendance information relating to Looked After Children) –
- TUCASI (internet payments)
- Cunninghams (cashless catering and finger reading)
- Evolve (Local Authority system for organisation of school trips)
- SISRA (assessment data analysis and reporting)
- School Parents' Evening Booking (booking system for parents' evenings)
- Eclipse from Microlibrarian (MLS)
- Software in use in subject departments

Aged 14+ qualifications

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's learning or qualifications

Why we share pupil information

We do not share personal information with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with the (DfE) under regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Youth support services

What is different about pupils aged 13+?

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Mr Paul Metcalfe Data Protection Officer at Wyvern College (Email: datainformationrequest@wyvern.hants.sch.uk)

You also have the right, subject to some limitations to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means

- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact:

If you would like to discuss anything in this privacy notice, please contact The Data Protection Officer at Wyvern College. 02380692679 or email: datainformationrequest@wyvern.hants.sch.uk

Privacy Notice Updated 25th May 2018