



St Margaret's CE VA Primary School: Data Protection Policy

Policy Version: 1.0

Date of Implementation: [Insert Date]

Date of Review: [Insert Date - Annually]

Review Responsibility: Headteacher and Data Protection Officer (DPO)

1. Introduction and Purpose

This policy outlines how St Margaret's CE VA Primary School collects, uses, stores, and protects personal data in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We are committed to ensuring the privacy and security of personal data held by the school. This policy applies to all staff, governors, volunteers, pupils, parents/carers, and any other individuals or organisations working on behalf of the school.

- **Key Questions for School Leaders:**
 - What are our specific objectives for data protection?
 - How does this policy align with our school's vision and values (Learn to love, love to learn, strive to serve; Respect, Thankfulness, Forgiveness, Perseverance, Responsibility, Truthfulness)?
 - How will we ensure that all stakeholders understand the importance of data protection?

2. Legal Framework

This policy is based on the following legislation:

- **General Data Protection Regulation (GDPR)**
- **Data Protection Act 2018**
- **Education Act 1996**
- **Freedom of Information Act 2000**
- **Relevant guidance from the Information Commissioner's Office (ICO)**

3. Definitions

- **Personal Data:** Any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a



name, an 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.

- **Data Subject:** The individual to whom personal data relates.
- **Data Controller:** The school (St Margaret's CE VA Primary School) is the data controller as it determines the purposes and means of processing personal data.
- **Data Processor:** Any person or organisation that processes personal data on behalf of the data controller.
- **Processing:** Any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- **Data Breach:** 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.
- **Special Category Data:** Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation.

4. Roles and Responsibilities

- **Governing Body:** The Governing Body has overall responsibility for ensuring compliance with data protection legislation.
- **Headteacher:** The Headteacher is responsible for the implementation of this policy and for ensuring that all staff are aware of their responsibilities.
- **Data Protection Officer (DPO):** [Insert Name/Contact Details]. The DPO is responsible for:
 - Monitoring compliance with this policy and data protection legislation.
 - Providing advice and guidance to the school on data protection matters.
 - Acting as a point of contact for the ICO and data subjects.
 - Overseeing data protection training.
- **All Staff:** All staff members are responsible for:
 - Complying with this policy and data protection legislation.
 - Protecting personal data in their care.
 - Reporting any data breaches or suspected breaches to the DPO immediately.

• **Pupils and Parents/Carers:** Pupils and parents/carers are responsible for:

- Providing accurate and up-to-date information to the school.



- Informing the school of any changes to their personal data.
- Respecting the privacy of others.

Key Questions for School Leaders:

- Who will be the Data Protection Officer (DPO)? Do they have the necessary expertise and resources?
- How will we ensure that all staff understand their data protection responsibilities?
- How will we communicate data protection information to pupils and parents/carers in an age-appropriate and accessible manner?

5. Data Protection Principles

St Margaret's CE VA Primary School adheres to the following data protection principles:

- **Lawfulness, Fairness, and Transparency:** Personal data shall be processed lawfully, fairly, and in a transparent manner in relation to the data subject.
- **Purpose Limitation:** Personal data shall be collected for specified, explicit, and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- **Data Minimisation:** Personal data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
- **Accuracy:** Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- **Storage Limitation:** Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- **Integrity and Confidentiality:** Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- **Accountability:** The data controller shall be responsible for, and be able to demonstrate compliance with, the principles.

6. Types of Personal Data Processed

The school processes various types of personal data, including:

- **Pupil Data:** Name, address, date of birth, contact details, academic records, attendance records, medical information, special educational needs information, safeguarding information, photographs, and videos.



- **Staff Data:** Name, address, date of birth, contact details, employment history, qualifications, salary information, performance reviews, medical information, and criminal records checks.
- **Parent/Carer Data:** Name, address, contact details, and information relating to parental responsibility.
- **Governor Data:** Name, address, contact details, and information relating to their role as a governor.

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Visitor Data: Name, contact details, and reason for visit.

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Key Questions for School Leaders:

- What specific types of personal data do we collect and process?
- Why do we need to collect this data?
- How do we ensure that we only collect data that is necessary and relevant?

7. Legal Basis for Processing Personal Data

The school processes personal data based on the following legal bases:

- **Consent:** The data subject has given explicit consent to the processing of their personal data for a specific purpose.
- **Contract:** 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.
- **Legal Obligation:** Processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Vital Interests:** Processing is necessary in order to protect the vital interests of the data subject or of another natural person.
- **Public Task:** 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.

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Legitimate Interests: Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

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Key Questions for School Leaders:

- What is the legal basis for each type of personal data we process?
- How do we document our legal basis for processing?
- How do we obtain and manage consent where required?

8. Data Collection and Use



- **Data Collection:** Personal data is collected through various means, including:
 - Application forms
 - Enrolment forms
 - Assessment records
 - Attendance registers
 - Medical forms
 - Photographs and videos
 - Website forms
 - Emails

• **Data Use:** Personal data is used for various purposes, including:

- Providing education and support to pupils
- Monitoring pupil progress and attainment
- Safeguarding pupils
- Communicating with parents/carers
- Managing staff
- Complying with legal obligations
- Promoting the school (with appropriate consent)

• **Key Questions for School Leaders:**

- How do we ensure that data collection methods are fair and transparent?
- How do we inform data subjects about how their data will be used?
- How do we ensure that data is used only for the purposes for which it was collected?

9. Data Storage and Security

- **Data Storage:** Personal data is stored securely in both electronic and paper formats.
- **Electronic Data:** Electronic data is stored on secure servers with appropriate access controls.
- **Paper Data:** Paper data is stored in locked cabinets in secure locations.

• **Data Security:** The school implements appropriate technical and organisational measures to protect personal data against unauthorised access, loss, destruction, or damage. These measures include:

- Firewalls
- Antivirus software
- Encryption
- Password protection
- Access controls
- Regular data backups
- Physical security measures (e.g., locked doors, CCTV)
- Staff training on data protection



Key Questions for School Leaders:

- Where is personal data stored (both electronic and paper)?
- What security measures do we have in place to protect personal data?
- How do we regularly review and update our security measures?

10. Data Retention

The school retains personal data for as long as necessary to fulfil the purposes for which it was collected, and in accordance with legal and regulatory requirements. The school follows the Information and Records Management Society's (IRMS) guidance on retention schedules for school records.

- **Pupil Records:** Retained until the pupil reaches the age of 25.
- **Staff Records:** Retained for 6 years after termination of employment.

● **Safeguarding Records:** Retained in accordance with statutory guidance.

Key Questions for School Leaders:

- Do we have a clear data retention schedule?
- How do we ensure that data is securely deleted when it is no longer needed?
- How do we comply with legal and regulatory requirements regarding data retention?

11. Data Sharing

The school may share personal data with third parties where necessary and lawful. These third parties may include:

- Local Authority
- Department for Education (DfE)
- NHS
- Social Services
- Police
- Other schools or educational institutions
- Service providers (e.g., IT support, cloud storage)

Data sharing agreements are in place with third parties to ensure that personal data is protected.

Key Questions for School Leaders:

- With whom do we share personal data?
- Why do we need to share this data?



- Do we have data sharing agreements in place with all third parties?

12. Data Subject Rights

Data subjects have the following rights:

- **Right to be Informed:** The right to be informed about the collection and use of their personal data.
- **Right of Access:** The right to access their personal data.
- **Right to Rectification:** The right to have inaccurate personal data rectified.
- **Right to Erasure (Right to be Forgotten):** The right to have their personal data erased in certain circumstances.
- **Right to Restriction of Processing:** The right to restrict the processing of their personal data in certain circumstances.
- **Right to Data Portability:** The right to receive their personal data in a structured, commonly used, and machine-readable format and to transmit that data to another controller.
- **Right to Object:** The right to object to the processing of their personal data in certain circumstances.
- **Rights in Relation to Automated Decision Making and Profiling:** The right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them.

Data subjects can exercise their rights by contacting the DPO. The school will respond to requests within one month.

- **Key Questions for School Leaders:**
 - How do we inform data subjects about their rights?
 - How do we handle data subject rights requests?
 - How do we ensure that we respond to requests within the required timeframe?

13. Data Breaches

A data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

All data breaches or suspected data breaches must be reported to the DPO immediately. The DPO will investigate the breach and take appropriate action, including notifying the ICO where necessary.

- **Key Questions for School Leaders:**



- Do we have a data breach response plan?
- How do we train staff to identify and report data breaches?
- How do we investigate and manage data breaches?

14. Monitoring and Review

This policy will be reviewed annually by the Headteacher and DPO to ensure that it remains effective and compliant with data protection legislation.

- **Key Questions for School Leaders:**
 - How do we monitor compliance with this policy?
 - How do we ensure that the policy is kept up-to-date?
 - How do we involve stakeholders in the review process?

15. Training

All staff will receive regular training on data protection. Training will cover:

- Data protection principles
- Roles and responsibilities
- Data security measures
- Data breach reporting

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Data subject rights

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Key Questions for School Leaders:

- What data protection training do we provide to staff?
- How do we ensure that training is effective?
- How do we keep records of training?

16. Contact Information

For any questions or concerns about this policy, please contact:

- **Data Protection Officer:** [Insert Name/Contact Details]
- **School Address:** St Margaret's CE VA Primary School, [Insert Address]
- **School Telephone:** [Insert Telephone Number]
- **School Email:** [Insert Email Address]

17. Appendix

- Data Audit Form



- Consent Form Template
- Data Sharing Agreement Template
- Data Breach Reporting Form

School Policy Tracker: St Margaret's CE VA Primary School uses School Policy Tracker (<https://schoolpolicytracker.co.uk>) to ensure our policies are always up-to-date.