



Name of School	The Toynbee School
Date of Policy Issue/Review	Autumn 2020 / Summer 2022
Name of Responsible Manager/Headteacher	Headteacher
Governors' Sub-Committee	Welfare & Guidance

Data Protection Policy

This policy sets out how Toynbee School, the data controller, deals with personal information correctly and securely and in accordance with the General Data Protection Regulation (EU) 2016/679 (GDPR) and the Data Protection Act 2018 (DPA 2018).

The Toynbee School processes personal data about its pupils and is a “data controller” in respect of this for the purposes of the Data Protection Act 1998. It processes this data to:

- support pupils’ teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care; and
- assess how well the school as a whole is doing.

This data includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

This data may only be used or passed on for specific purposes allowed by law. From time to time the school is required to pass on some of this data to local authorities, the Department for Children, Schools and Families (DCSF), and to agencies that are prescribed by law, such as the qualifications and Curriculum Authority (QCA), Ofsted, the Learning and Skills Council (LSC), the Department of Health (DH), Primary Care Trusts (PCT). All these are data controllers in respect of the data they receive, and are subject to the same legal constraints in how they deal with the data.

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any data controller. A parent at the Toynbee School would need to formally request data on behalf of their child in writing.

All matters relating to Data Protection are now subject to the overriding General Data Protection Regulation (GDPR) Policy which came into effect from 25th May 2018

The GDPR establishes six principles that must be adhered to at all times. These principles require Personal Data to be:

1. processed lawfully, fairly and in a transparent manner;



2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
3. adequate, relevant and limited to what is necessary for the purposes for which it is being processed;
4. accurate and kept up to date, meaning that every reasonable step must be taken to ensure that Personal Data that is inaccurate is erased or rectified as soon as possible;
5. kept for no longer than is necessary for the purposes for which it is being processed; and
6. 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.

In addition to complying with the above requirements the School also has to demonstrate that it complies with them and thus shows accountability on the School's part.

DEFINITIONS

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.

Data Controller – 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.

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

EEA – European Economic Area

ICO – The Information Commissioner's Office, the UK's data protection regulator.

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.

Processing Data – 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, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or other making available, alignment or combination, restriction, erasure or destruction.



Sensitive Personal Data – data revealing ethnic origin, political opinions, religious or philosophical beliefs or trade union membership, genetic or biometric data, data containing health or a person’s sex life or sexual orientation.

HOW TO ACCESS DATA

If a parent wishes to access their own personal data, or that of their child, then they will need to contact The Toynbee School in writing where a hard copy can be obtained from the School Office.

The parent’s attention is drawn to the Fair Processing/Privacy Notice, which gives supplementary information about the processing of pupil data by the organisations mentioned above, and which gives greater details of how the pupil data is processed, and the rights of parents and pupils. Either can be obtained through the School Office.

RECIPIENTS OF DATA

Personal data will not be disclosed to other third parties without the consent of the parent / legal guardian, unless obliged by law and unless it is in the best interest of the child. If the data subject is aged 16 or over they have permission to request access to their own records. Personal data will therefore be accessed and disclosed as follows:

- a) Access:- Restricted staff members of the school will access personal data on a need to know basis in the course of executing their duties. The professional staff requiring such data are fully aware of the obligations the school has under the Data Protection Act, and they will only use the data for the purposes for which it was collected.
- b) Disclosure:- The school endeavours to inform students and their parents/legal guardians when there is a possibility that personal data may be disclosed to third parties, and will ask for consent where applicable. However, there are instances where personal data will have to be disclosed without consent to the following third parties:
 - c) Education Division - to evaluate and develop education policies related to state schools, to enforce the Education Act where required, and to monitor the national educational system.
 - d) Other schools - where a student is transferred to another school, all academic records and other data related to the welfare and health of the student are forwarded to the other school, for continuation purposes.
 - e) Examination Authorities – to enable our students to sit examinations as part of the examinations process.
 - f) Health Authorities – to avoid contagious diseases or epidemics as obliged under health legislation in the interest of public health.



g) Hospitals / Clinics / other medical professional – where a student needs medical treatment due to illness or injuries suffered by him / her. Health inspections are also conducted as part of the health monitoring programme for school children.

h) Police – in cases of criminal investigations and in the interest of law and order.

i) Social workers / Support agencies – where the welfare of the student is not being maintained and in cases of child abuse.

j) Courts – as ordered.

RETENTION OF PERSONAL DATA

The school does not hold any data longer than necessary, having considered the purposes for processing.

In this regard, all personal data relating to students and their parents / legal guardian will be held for the period during which the student attends this school, with the exception of records selected to be kept for historic record purposes, and statistical data. Visual images not selected for historic record purposes will be kept for three years only.

Marks obtained by students in examinations are also kept for the duration of their attendance at this school, with the exception of results of the last scholastic year which are held for a period of five years only. It is therefore very important that all certificates, results and any other record indicating the educational progress of the student, is to be appropriately preserved by the parents / legal guardian for future use by the student.

PRACTICE

In managing and using personal data Toynbee School collects and uses personal data about staff, students, parents and other individuals who come into contact with the school. This information is gathered in order to enable the provision of education and other associated functions. In addition, the school is required by law to collect, use and share certain information.

This policy and practice also include past or present and potential members of the groups mentioned above.

In operating this policy the school as the controller has the following responsibilities:

1. To register as a Data Controller, with the Information Commissioner's Office (ICO). Details are available on the ICO website. The Headteacher is the designated Data Protection Officer (DPO). Who can be contacted in writing or via e-mail at admin@Toynbee.hants.sch.uk .
2. Issue a Privacy Notice (previously known as a Fair Processing Notice) to all students and parents – this privacy notice can also be found on the School's website; this summarises the information held



on students, the legal basis for processing personal data, why it is held and the other organisations to whom it may be passed on to.

3. Also to issue a privacy notice to all staff.
4. Inform individuals (Data Subjects) when their information is shared, and why and with whom unless the GDPR provides a reason not to do this.
 - a) Inform Data Subjects of their rights, which are:
 - b) The right to be informed.
 - c) The right to access.
 - d) The right to rectification.
 - e) The right to erasure (the right to be forgotten).
 - f) The right to restrict processing.
 - g) The right to data portability.
 - h) The right to object.
 - i) Rights related to automated decision making including profiling.
5. Check the accuracy of the information it holds and reviews it at regular intervals.
6. Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
7. Ensure that clear and robust safeguards are in place to ensure personal information is kept securely and to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded.
8. Ensure that personal information is not retained longer than it is needed and that Data Subjects are informed how long their data will be stored (via the privacy notice on the school's website).
9. Ensure that when information is destroyed that it is done so appropriately and securely.
10. Share personal information with others only when it is legally appropriate to do so.
11. Comply with the duty to respond to requests for access to personal information, known as Subject Access Requests in accordance with the GDPR.
12. Ensure that personal information is not transferred outside the EEA (European Economic Area) without the appropriate safeguards.
13. Ensure all staff and governors are aware of and understand these policies and procedures.
14. Complete data protection impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new systems that change the processes for handling data.
15. Deal with complaints relating to this policy in accordance with the school's complaints policy.



MONITORING

1. The policy will be reviewed at any time in the light of any new changes to national legislation in relation to data protection and any national or local recommendation for improvements to operational procedure as best practice.
2. The Deputy Headteacher shall undertake an annual review of the practice of Guidance and Pupil Services staff to ensure practice is in line with policy.
3. The Bursar shall undertake an annual review of the practice of key HR staff to ensure practice is in line with policy.
4. Annually the Headteacher will report to the governing body on the school's data handling practice and if any concerns have been raised. Serious breaches will be reported to the Chair of Governors immediately and at the next appropriate Full Governing Body meeting.

RELATED POLICIES/PROCEDURES

- Confidentiality Policy & Procedures
- Privacy Notice
- Staff and Pupil ICT Acceptable User Policy
- Manual of Personal Practice (EPS) – Model Code of Conduct
- Safeguarding Policy
- Freedom of Information Policy
- Complaints Policy
- Data Breach Procedure
- Data Subject Access Request Procedure
- Retention Schedule

APPENDIX A

PRIVACY NOTICE

Applicable to the School Workforce i.e. those employed or otherwise engaged to work at a school.

Why do we collect and use personal information?

We collect and use this personal information:

- to maintain our own accounts and records
- to support pupil learning
- to monitor and report on their progress
- to provide appropriate pastoral care
- to assess the quality of our services and to assess the performance of the School
- for statistical forecasting and planning
- to comply with the law regarding data sharing
- for fundraising
- to provide statutory services e.g. assessment for free school meals eligibility
- to protect and safeguard pupils

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

- personal information (such as name, unique pupil number and address, telephone numbers)
- 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
- financial information
- photographic images in our school literature, website and media
- safeguarding and court of protection 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 Children Act 1989 and 2004, Education and Skills Act 2008, Schools Standards and Framework Act 1998 and the Equalities Act 2010. We also comply with Article 6(1)(c) and 9(2)(b) of the General Data Protection Regulations (GDPR).

Once our pupils reach the age of 13, the law requires us to pass on certain information to Hampshire County Council who have responsibilities in relation to the education or training of 13-19 year olds. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can request that only their child's name, address and date of birth be passed to Hampshire County Council by informing Theresa Morris, SIMS Manager. This right is transferred to the child once he/she reaches the age 16. For more information about services for young people, please go to our local authority website <https://www.hants.gov.uk/>

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.

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 your education records securely in accordance with our retention schedule which means that all personal data relating to students and their parents / legal guardian will be held for the period during which the student attends this school, with the exception of records selected to be kept for historic record purposes and statistical data. Visual images not selected for historic record purposes will be kept for three years only.

Marks obtained by students in examinations are also kept for the duration of their attendance at this school, with the exception of results of the last scholastic year which are held for a period of five years only.

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 and their commissioned providers of local authority services*
- *the Department for Education (DfE)*



- *the Primary Care Trust, NHS and healthcare professionals including the school nursing team*
- *providers of youth services*
- *police and law enforcement*
- *governing body*
- *cloud based educational programmes*
- *the Careers Advisory Service*
- *examination Boards*
- *school staff and boards*
- *family representatives and associates of the person*
- *Social and welfare organisations*
- *School trip organisations*
- *Financial organisations*
- *press and media*
- *current, past or prospective employers*
- *security organisations*
- *third party contractors such as Gateway*
- *specialist SEN services*

When we share pupil information

There are strict controls on who can see your 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 our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

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.

Our pupils aged 16+

We will also share certain information about pupils aged 16+ with 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:

- Post-16 education and training providers;
- Youth support services;
- careers advisers.

For more information about services for young people, please visit our local authority website.

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 Sam Nicholls, Data Protection Officer, telephone number 02380269026 or email s.nicholls@toynbee.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

We will, as and when required, share personal data collection sheets with you in order to ensure records are up to date and accurate.



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:

Sam Nicholls, Data Protection Officer, telephone number 02380269026 or email s.nicholls@toynbee.hants.sch.uk or Theresa Morris, SIMS Manager, telephone number 02380269026 or email t.morris@toynbee.hants.sch.uk