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**DATA PROTECTION POLICY**

**2020-2022**

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**1.0 Introduction**

1.1 The School Data Protection Policy has been produced to ensure compliance with the Data Protection Act 2018 (DPA), GDPR and associated legislation, and it incorporates guidance from the Information Commissioner’s Office (ICO).

1.2 The DPA gives individuals rights over their personal data and protects individuals from the erroneous use of their personal data.

1.3 We are registered with the ICO as a Fee Payer under registration number: Z977098X

**2.0 Purpose**

2.1 The School Data Protection Policy has been produced to ensure its compliance with the DPA 2018. The Policy incorporates guidance from the ICO and outlines our overall approach to our responsibilities, and to individuals’ rights, under the DPA 2018.

2.2 The Policy incorporates guidance from the ICO and outlines the School’s overall approach to its responsibilities and individuals’ rights under the DPA 2018.

**3.0 Scope**

3.1 This Policy applies to all employees (including temporary, casual or agency staff and contractors, consultants and suppliers working for, or on behalf of, the School), third parties and others who may process personal information on our behalf.

3.2 The Policy also covers any staff and students who may be involved in research or other activity that requires them to process or have access to personal data, for instance as part of a research project or as part of professional practice activities.

**4.0 Data covered by the Policy**

4.1 A detailed description of this definition is available from the ICO, however, briefly, personal data is information relating to an individual where the structure of the data allows the information to be accessed i.e. as part of a relevant filing system. This includes data held manually and electronically and data compiled, stored or otherwise processed by us or by a third party on our behalf.

4.2 Special category data is personal data consisting of information relating to:

* Racial or ethnic origin
* Political opinions, Religious beliefs or other beliefs of a similar nature
* Membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
* Physical or mental health or condition
* Sexual life, sexual orientation
* Biometric/genetic data

**5.0 The Six Data Protection Principles**

5.1 The DPA 2018 requires the School, its staff and others who process or use any personal information on our behalf to comply with the six data protection principles.

5.2 The principles require that personal data shall:

* Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
* Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
* Be limited to only what is required for the purposes for which it is being collected
* Be accurate and kept up to date
* Not be kept for longer than is necessary for those purposes
* Be kept safe from unauthorised or unlawful processing and against accidental loss, destruction or damage

**5.3 School Minimum Standards**

* All staff must ensure computers are locked when they are away from their machine.
* Any sensitive information or data being emailed must be sent via the Furrowfield Secure Mailbox or by using the new [Enrypt] instructions and information from ICT.
* Any staff using a USB/Memory Stick must use an encrypted USB/Memory Stick and any data should be saved/transferred back onto school drive and the data then removed from the memory stick at the earliest opportunity (this can only be done by formatting the memory stick).
* Staff must sign in/out their Encrypted USB stick.
* Staff working from home should only do so on approval of the Executive Headteacher/Head of School and only using either secure remote access, Council iPad or an encrypted memory stick provided by the school.
* Staff should always check with the Executive Headteacher/Head of School prior to sending any pupil or staff information to a third party.
* Any subject access requests should first be referred to the Executive Headteacher who will liaise with the Data Officer (Legal Services) prior to any information being released.
* Desks should be free of any sensitive information or data when the desk is left unattended.
* Where possible lock all rooms when you leave to avoid information being removed in your absence.

**6.0 Responsibilities**

6.1 The School has an appointed Data Protection Officer to handle day-to-day issues which arise, and to provide us with guidance on Data Protection issues to ensure they are aware of their obligations. Our Data Protection Office is Gateshead council, and they can be contacted by DPO@gateshead.gov.uk

6.2 All new members of staff will be required to complete a mandatory information governance module as part of their induction and existing staff will be requested to undertake refresher training on a regular basis.

6.3 Employees of the School are expected to:

* Familiarise themselves and comply with the six data protection principles
* Ensure any possession of personal data is necessary
* Ensure their own personal information is accurate and up to date
* Keep personal data for no longer than is necessary
* Ensure that any personal data they process is secure and in compliance with the School’s information related policies and strategies
* Acknowledge data subjects’ rights (e.g. right of access to *all* their personal data held by the School) under the DPA 2018, and comply with access to records
* Ensure personal data is only used for those specified purposes and is not unlawfully used for any other business.
* Obtain consent when required for collecting, sharing or disclosing personal data
* Contact the Data Protection Officer at DPO@Gateshead.gov.uk for any concerns or doubt relating to data protection.

6.4 Students are expected to comply with any security procedures implemented by us.

**7.0 Obtaining, Disclosing and Sharing**

7.1 Only personal data that is necessary for a specific School related business reason should be obtained.

7.2 Students are informed about how their data will be processed via our Privacy Notice. All staff are expected to be familiar with this document.

7.3 Upon acceptance of employment at the School, members of staff also consent to the processing and storage of their data.

7.4 Data must be collected and stored in a secure manner. Personal information must not be disclosed to a third-party organisation without prior consent of the individual concerned, unless the disclosure is legally required or permitted. This also includes information that would confirm whether or not an individual is or has been an applicant, student or employee of ours.

7.6 We may have a duty to disclose personal information to comply with legal or statutory obligations. The DPA 2018 allows the disclosure of personal data to authorised bodies, such as the police and other organisations that have a crime prevention or law enforcement function.

7.7 Personal information that is shared with third parties on a more regular basis shall be carried out under written agreement to stipulate the purview and boundaries of sharing.

**8.0 Retention, Security and Disposal**

8.1 Recipients responsible for the processing and management of personal data need to ensure that the data is accurate and up-to-date.

8.2 Personal information shall not be retained for longer than is necessary and shall be collected and retained only for business, regulatory or legal purposes.

8.3 In accordance with the provisions of the DPA 2018, all staff whose work involves processing personal data, whether in electronic or paper format, must take personal responsibility for its secure storage and ensure appropriate measures are in place to prevent accidental loss or destruction of, or damage to, personal data.

8.4 Staff working from home will be responsible for ensuring that personal data is stored securely and is not accessible to others.

8.5 All staff should ensure that data is destroyed in accordance with the Retention Schedule when it is no longer required.

8.6 Personal data in paper format must be shredded or placed in the confidential waste bins/bags provided. Personal data must not be placed in normal, unsecure waste bines, even if torn up manually. Any member of staff found placing hard copy personal data in unsecured bins may be subject to disciplinary proceedings.

 Personal data in electronic format should be securely and permanently deleted, including any metadata or backups. Staff may need to contact our IT provider for assistance when deleting electronic data as placing an electronic file in a computer recycle bine does not securely or permanently dispose of the file and further steps will be required. Those further steps will depend on the device being used and data being deleted.

**9.0 Transferring Personal Data**

9.1 Any transfer of personal data must be done securely in line with our relevant policy and procedures.

9.2 Email communication is not always secure and sending personal data via external email should be avoided unless it is encrypted with a password provided to the recipient by separate means such as via telephone.

9.3 Care should be taken to ensure emails containing personal data are not sent to unintended recipients. It is important that emails are addressed correctly and care is taken when using ‘reply all’ or ‘forwarding’ or copying others in to emails. Use of the blind copy facility should be considered when sending an email to multiple recipients to avoid disclosing personal information to others.

9.4 Personal email accounts should not be used to send or receive personal data for work purpose.

**10.0 Data Subjects Right of Access (Subject Access Requests)**

10.1 Under the DPA 2018, individuals (both staff and students) have the right of access to their personal data held by the School. This applies to data held in both paper and electronic format, and within a relevant filing system.

10.2 The School shall use its discretion under the DPA 2018 to encourage informal access at a local level to a data subject’s personal information, but it will also have a formal procedure for the processing of Subject Access Requests.

10.3 Any individual who wishes to exercise this right should make the request through submitting a Subject Access Request Form. This is available on the School website at**:** www.furrowfieldschool@gateshead.gov.uk or by contacting our DPO via DPO@gateshead.gov.uk.

10.4 The School may not charge fee. It will only release any information upon receipt of the completed Subject Access Request Form, along with proof of identity or proof of authorisation where requests are made on the behalf of a data subject by a third party. The requested information will be provided within the statutory timescale of 1 month from receipt of the completed form.

10.5 **Please note** you are entitled to submit subject access requests all year round, but please bear in mind that it may be necessary for us to extend the response period when requests are submitted over the summer holidays. This is in accordance with article 12(3) of the GDPR, and will be the case where the request is complex – for example, where we need multiple staff to collect the data or need to liaise with another department.

**11.0 Reporting a Data Security Breach**

11.1 We must respond to a data security breach quickly and effectively. A breach may arise from a theft, a deliberate attack on our systems, unauthorised use of personal data, accidental loss or equipment failure. Any data breach should be reported to the Executive Headteacher at michellerichards@gateshead.gov.uk, or another member of the Senior Leadership Team in the absence of the Executive Headteacher and they will liaise with the Data Protection Officer at Gateshead Council Legal Services at DPO@gateshead.gov.uk.

 In certain circumstances, breaches will also need to be reported to the data subject concerned.

11.2 Any breach will be investigated in line with the procedures within the Data Breach Policy. In accordance with that Policy, we will treat any breach as a serious issue. Each incident will be investigated and judged on its individual circumstances and addressed accordingly.