

Meadows School

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Data Protection Policy

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1. Introduction:

Meadows School is committed to Barnardo's Basis and Values, which provides the framework within which we can engage in giving young people a better start in life.

Information plays an important role in enabling Barnardo's to work with vulnerable children and young people, their parents and carers. In undertaking this work and in the course of carrying out its charitable objects, Barnardo's may collect, store and otherwise process Personal Data about its employees, volunteers, donors, supporters, service users, customers, business contacts, celebrities, politicians and other third parties. [Barnardo's Data Protection Policy Framework](#) has been developed to assist Barnardo's in adopting good information practices, and satisfying data protection requirements and is used by Meadows School as the 'Overarching Policy' for its Data Protection.

2. Aims:

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

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

3. The Data Controller:

Barnardo's, through Meadows School, processes personal data relating to parents, pupils, staff, governors, visitors and others, and is therefore the data controller.

Barnardo's is registered as data controller with the ICO and will renew its registration annually.

4. Roles and Responsibilities:

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

Barnardo's:

Barnardo's have overall responsibility for ensuring that our school complies with all relevant data protection obligations.

Barnardo's data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

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

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

Meadows School Office Manager:

Meadows School Office Manager acts as the representative of the data controller on a day-to-day basis.

All Staff:

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data

- or keeping personal data secure
- If they have any concerns that this policy is not being followed
- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

5. Collecting Personal Data:

Lawfulness, fairness & transparency:

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law, '[Your Data, Your Rights](#)' is included in all admission packs.

Limitation, minimisation & accuracy:

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary. Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with Barnardo's record retention schedule.

6. Confidentiality:

Meadows School maintains the confidentiality of Personal Data, as appropriate. Barnardo's Staff Members may only view, process, access or disclose Personal Data if they "need to know" the information for the purpose of providing services and associated purposes. Such viewing, processing, accessing, disclosure or provision of access to, Personal Data must be limited to the minimum amount of Personal Data necessary to fulfill the relevant purpose.

Staff Members who view, modify, transfer, process, access, store, copy, share or disseminate Personal Data must take reasonable precautions designed to avoid inadvertent or inappropriate disclosure or access, including securely disposing of Personal Data once they are no longer needed for Barnardo's purposes.

7. Collection & Processing:

Meadows School has an [admission booklet](#) that must be completed prior to a student's first day at the school. This booklet asks for information on the student and the student's home life that is necessary for the school to be able to provide an education for a student with medical and/or well-being requirements.

Meadows School understands that Personal Data must be:

- Processed in a fair way;
- Processed only for specified purposes;
- accurate and up-to-date;
- adequate, relevant and not excessive;
- kept only for as long as is necessary;
- Processed in accordance with the individuals' rights;
- stored safely and securely; and
- not transferred outside the European Economic Area (the "EEA") unless certain legal requirements are met.

And ensures through staff training and monitoring that the above is understood and adhered to.

Barnardo's must be able to satisfy one or more legal "conditions for processing" in relation to the Processing of Personal Data.

Meadows School must provide appropriate notice to individuals of the Personal Data they collect, and the purposes for which the Personal Data are collected. These are laid out in the admission document '[Your Data, Your Rights](#)'

Barnardo's provides individuals with clear, prominent, easily understandable, accessible and affordable ways to exercise choice in connection with the collection, use, disclosure or other processing of their Personal Data.

Meadows School must take reasonable steps to ensure that individuals' Personal Data are accurate, complete and current, having regard to the purposes for which it is used.

8. Sharing Personal Data:

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

Meadows School may receive requests made by a third party for the disclosure of personal data held about an individual. Meadows School will verify whether the request places a legal obligation on Barnardo's to make the disclosure, or whether the request is accompanied by a court order requiring Barnardo's to make the disclosure. Where it does not, Barnardo's must decide whether: (i) it wishes to make the disclosure; and (ii) the disclosure is permitted, and complies with, the General Data Protection Regulation and the Data Protection Act 2018.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff.

9. Subject Access Request:

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

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO.

When responding to a request Barnardo's:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

All Subject Access Requests must be seen and agreed by the DPO.

10. Third Party Processing:

Where Meadows School uses a third party to process personal data (e.g. Registration systems) it is legally obligated to ensure that the third party also complies with the relevant requirements of the General Data Protection Regulation and the Data Protection Act 2018. Barnardo's remains responsible for the Personal Data, even if Processed by another on its behalf.

11. Other Data Protection Rights of an Individual:

In addition to the right to make a subject access request (see section 9), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the school Office Manager. If staff receive such a request, they must immediately forward it to the DPO.

12. CCTV:

Meadows School operates CCTV and other monitoring systems including audio for the purposes set out in this policy and in accordance with data protection requirements. We adhere to the ICO's [code of practice](#) for the use of CCTV.

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

Any enquiries about the CCTV system should be directed to the Principal

Barnardo's seeks to ensure that its CCTV systems are installed and operated in accordance with applicable law and that the scope, purpose and use of the systems are clearly defined. For more information on the policies and procedures relating to CCTV, please see [The Use of CCTV and monitoring using movement and auditory devices](#).

13. Photographs and Videos:

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

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials. This permission is included as part of the admission pack. Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

14. Storage, Retention & Disposal:

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

Barnardo's must not keep Personal Data for longer than is necessary to satisfy the purpose for which the data were collected. Barnardo's is committed to ensuring that it implements regular data audit and data cleansing processes. For more information on the policies and procedures relating to data retention, destruction and archiving; please see the Barnardo's Children's Services policy.

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

15. Training:	<p>All Meadows School Staff take the GDPR E-learning course as part of their induction (renewable every 3 year). All staff took part in a Barnardo's GDPR PowerPoint presentation when the new GDPR laws came into place (2017) Selected staff have attended external courses on GDPR to further their knowledge on regulation directly involving schools. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.</p>
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16. Incident Response:	<p>Barnardo's seeks to protect personal information. In the unlikely event of a breach, or of information being lost or at risk of being lost, it is vital that appropriate action is taken as soon as possible to minimise any associated risk or harm. Barnardo's has a Data Breach policy which requires Barnardo's Staff Members to report any suspected or actual breach of this Policy Framework or applicable privacy law or regulation immediately to Barnardo's Data Protection Officer and any relevant data protection manager. The DPO will advise the data manager and relevant staff of the next steps to take following the ICO advice on guidance on personal data breaches</p>
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28. Additional Information	
Copies of this policy may be obtained from:	<ul style="list-style-type: none"> Content Server The Main School Office
This policy links with the following policies & Documents	<p>Barnardo's Data Protection Overarching Policy 'Your Data, Your Rights' - admission booklet The Use of CCTV and monitoring using movement and auditory devices. Children's Services policy. Data Breach policy</p>
Relevant statutory guidance, circulars, legislation & other sources of information are:	<p>General Data Protection Regulation (GDPR) Data Protection Bill Code of practice for subject access requests Protection of Freedoms Act 2012 ICO's code of practice for the use of surveillance cameras and personal information Education (Pupil Information) (England) Regulations 2005 ICO's code of practice ICO's guidance on personal data breaches</p>
The lead member of staff is:	Office Manager

Definitions and key terms used in this policy:

Data Subject:

The identified or identifiable individual whose personal data is held or processed.

Personal Data:

Any information relating to an identified, or identifiable, individual

Special Categories:

Personal Data which is more sensitive and so needs more protection, including information about an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Biometrics
- Health – Physical or Mental
- Sex life or sexual orientation

Processing:

Anything that is done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.

Processing can be automated or manual.

Service User:

Any individual who receives services of any kind from Barnardo's

Staff:

In the context of this document the term staff refers to any staff, whether permanent, contingent, temporary or voluntary.

The Rationale and Purpose of this policy:

The GDPR policy is based on data protection principles that our school must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how Meadows School aims to comply with these principles.

Appendices: