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NURSERY SCHOOL & CHILDREN'S CENTRES

Data Protection and Freedom of Information:



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INTRODUCTION

Martenscroft Nursery School and Children's Centres are required to keep and process certain information about its staff and pupils in accordance with its legal obligations under the General Data Protection Regulation (GDPR). The School may from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the local authority, other schools, educational bodies, social services and possibly the police or solicitors. We may also share data with our suppliers or contractors to enable us to provide services to our staff and pupils but will only do so where we have sufficient guarantees over their compliance with data protection laws and it will be limited to the information necessary to carry out their service. This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the School complies with the following core principles of the GDPR. Organisational methods for keeping data secure are imperative, and Martenscroft believes that it is good practice to keep clear practical policies, supported by written procedures. To ensure the full compliance with GDPR, all Staff receive data protection training and/or data protection information.

Legal Framework This policy has due regard to legislation, including, but not limited to the following:

- Data Protection Act 2018
- The General Data Protection Regulation (GDPR)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- Protection of Freedoms Act 2012



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This policy will also have regard to the following guidance:

- Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)'
- DfE Data protection: a toolkit for schools (April 2018)
- ICO's code of practice for the use of surveillance cameras and personal information (2017).

This policy will be implemented in conjunction with the following other School policies:

- E-safety Policy
- Teaching and Learning Policy

ROLES AND RESPONSIBILITIES

The Local Governing Body will be responsible for:

- Reviewing this policy and ensuring it is adhered to across the school
- Monitoring the overall implementation of this policy.
- Reviewing this policy, in conjunction with the Headteacher to ensure its effectiveness.

The Headteacher will be responsible for:

- The day-to-day implementation of the policy
- Reviewing this policy, in conjunction with the Local Governing Body to ensure its effectiveness.

APPLICABLE DATA

For the purpose of this policy, personal data refers to information that relates to an identifiable, living individual, including information such as an online identifier, for instance an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded. Sensitive personal data is referred to in the GDPR as 'special categories of personal



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data', which are the same as those in the Data Protection Act (DPA) 2018. These include the processing of race; ethnic origin; politics; religion; trade union membership; genetics; biometrics (where used for ID purposes); health; sex life; or sexual orientation.

PRINCIPLES

In accordance with the requirements outlined in the GDPR, personal data will be:

- a. Processed lawfully, fairly and in a transparent manner in relation to individuals.
- b. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be incompatible with the initial purposes.
- c. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- d. 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.
- e. 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; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- f. 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

Martenscroft Nursery School and Children's Centres will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR. The School will provide comprehensive, clear and transparent privacy notices. Records of activities relating to higher risk processing will be maintained, such as the processing of special category data or that in relation to criminal convictions and offences. Internal records for processing activities (Data Export Record Sheet) includes the following:



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- a. Data ID number
- b. Date of processing
- c. Name and department of internal requester
- d. Description of the data for export
- e. Reason for the export of personal data
- f. Receiving body and contact details
- g. Description of technical and organisational security measures

The School will implement measures that meet the principles of data protection by design and data protection by default, such as:

- a. Data minimisation.
- b. Pseudonymisation (can be used as an alternative to encryption, example: Initials used to replace staff/students full names i.e. John Smith replaced by JS).
- c. Transparency
- d. Continuously creating and improving security features. Data protection impact assessments will be used, where appropriate (see appendix 5).

DATA PROTECTION OFFICER

The school's Governors have appointed a DPO, in order to:

- a. Inform and advise the School and its employees about their obligations to comply with the GDPR and other data protection laws.
- b. Monitor the School's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.
- c. The DPO is responsible for maintaining the Data Protection policy and associated documents.

The DPO submits the policy to the Governors for review, on an annual basis. The DPO has proficient experience and knowledge of data protection law, particularly that in relation to Schools. The DPO will report to the highest level of management at the School, which is the Chair of Governors and the Headteacher. We involve our DPO, in a timely manner, in all issues relating to the protection of personal data. Our DPO is sufficiently well resourced to be able to perform their tasks. We do not penalise the DPO for performing their duties. We ensure that any other tasks or duties we assign our DPO do not result in a conflict of interests with their role as a DPO. Our DPO is easily accessible as a point of contact for our employees,



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individuals and the ICO. We have published the contact details of the DPO and communicated them to the ICO.

LAWFUL PROCESSING

The legal basis for processing data will be identified and documented prior to data being processed. Under the GDPR, data will be lawfully processed under the following conditions:

- a. The consent of the data subject has been obtained.
- b. Compliance with a legal obligation.
- c. The performance of a task carried out in the interest of the curriculum or in the exercise of official authority vested in the school. V1.3 Data Protection Policy Page 7 of 36
- d. For the performance of a contract with the data subject or to take steps to enter into a contract.
- e. Protecting the vital interests of a data subject or another person.
- f. For the purposes of legitimate interests pursued by the school as the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Sensitive or 'special category' data will only be processed under one of the conditions listed in Article 9(2) of the GDPR. These may include:

- a. Explicit consent of the data subject.
- b. Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.
- c. Processing relates to personal data manifestly made public by the data subject.

Processing is necessary for:

- a. Carrying out obligations under employment, social security or social protection law, or a collective agreement.



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- b. Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.
- c. The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.
- d. Reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards.
- e. The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on a lawful basis or a contract with a health professional.
- f. Reasons of public interest in the area of public health, such as protecting against serious threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.
- g. Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with GDPR article 89(1).

CONSENT

Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. We ensure that individuals can refuse to consent without detriment. We avoid making consent a precondition of a service. Where consent is given, a record will be kept documenting how and when consent was given. The School ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR. We regularly review consents to check that the relationship, the processing and the purposes have not changed. We have processes in place to refresh consent at appropriate intervals, including any parental consents. Consent can be withdrawn by the individual at any time. The consent of parents will be sought prior to the processing of a child's data, except where the processing is related to preventative or counselling services offered directly to a child. When processing data online, parental consent is not required when the child reaches the age of 13.



THE RIGHT TO BE INFORMED

The privacy notice supplied to individuals in regards to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge. In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:

- a. The identity and contact details of the school (controller), and where applicable, the controller's representative and the DPO.
- b. The purpose of, and the legal basis for, processing the data.
- c. The legitimate interests of the controller or third party.
- d. Any recipient or categories of recipients of the personal data.
- e. Details of transfers to third countries and the safeguards in place.
- f. The retention period of criteria used to determine the retention period.

The existence of the data subject's rights, including the right to:

- a. Withdraw consent at any time.
- b. Lodge a complaint with a supervisory authority. The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences.

Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement and the details of the categories of personal data, as well as any possible consequences of failing to provide the personal data, will be provided. Where data is not obtained directly from the data subject, information regarding the source the personal data originates from and whether it came from publicly accessible sources, will be provided. For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.

In relation to data that is not obtained directly from the data subject, this information will be supplied:

- a. Within one month of having obtained the data.
- b. If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.



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c. If the data are used to communicate with the individual, at the latest, when the first communication takes place.

Privacy Notices are attached at Appendix 1.

THE RIGHT OF ACCESS

Individuals have the right to submit a Subject Access Request (SAR) to gain access to their personal data. The School will verify the identity of the person making the request before any information is supplied or viewed. Personal data can be viewed by the individual free of charge; however, the School may impose a 'reasonable fee' for the administrative costs of complying with the request if the request is manifestly unfounded or excessive; or an individual requests further copies of their data following an initial request. Where a SAR has been made electronically, the information will be provided in a commonly used electronic format. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged. All fees will be based on the administrative cost of providing the information. All requests will be responded to without delay and at the latest, within one month of receipt. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, at the earliest opportunity and at least within one month of the receipt of the request. Where a request is manifestly unfounded or excessive, the School holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal. In the event that a large quantity of information is being processed about an individual, the School will ask the individual to specify the information the request is in relation to.

Subject Access Request (SAR) form is attached at Appendix 2.

THE RIGHT TO RATIFICATION

Individuals are entitled to have any inaccurate or incomplete personal data rectified. Where the personal data in question has been disclosed to third parties, the School will inform them of the rectification where possible. Where appropriate, the School will inform the individual about the third parties that the data has been



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disclosed to. Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex. Where no action is being taken in response to a request for rectification, the School will explain the reason for this to the individual and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

THE RIGHT TO ERASURE

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws their consent.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed.
- The personal data is required to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

The School has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information.
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes.
- The exercise or defence of legal claims.

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request. Where personal data has been



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disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so. Where personal data has been made public within an online environment, the School will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

THE RIGHT TO RESTRICT PROCESSING

The School will restrict the processing of personal data in the following circumstances:

- a. Where an individual contests the accuracy of the personal data, processing will be restricted until the School has verified the accuracy of the data.
- b. Where an individual has objected to the processing and the School is considering whether their legitimate grounds override those of the individual.
- c. Where processing is unlawful, and the individual opposes erasure and requests restriction instead.
- d. Where the School no longer needs the personal data, but the individual requires the data to establish, exercise or defend a legal claim.

If the personal data in question has been disclosed to third parties, the School will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so. The School will inform individuals when a restriction on processing has been lifted.

THE RIGHT TO DATA PORTABILITY

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability. The right to data portability only applies in the following cases:



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- a. To personal data that an individual has provided to a controller.
- b. Where the processing is based on the individual's consent or for the performance of a contract.
- c. When processing is carried out by automated means.

Personal data will be provided in a structured, commonly used and machine-readable form. The School will provide the information free of charge. Where feasible, data will be transmitted directly to another organisation at the request of the individual.

Martenscroft Nursery School is not required to adopt or maintain processing systems which are technically compatible with other organisations. The school will take a reasonable approach and this should not generally create a barrier to transmission.

In the event that the personal data concerns for more than one individual, the School will consider whether providing the information would prejudice the rights of any other individual. The School will respond to any requests for portability within one month. Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, the School will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

THE RIGHT TO OBJECT

The School will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.



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Individuals have the right to object to the following:

- a. Processing based on legitimate interests or the performance of a task in the public interest
- b. Direct marketing.
- c. Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task or legitimate interests:

- a. An individual's grounds for objecting must relate to his or her particular situation.
- b. The School will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the School can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- a. The School will stop processing personal data for direct marketing purposes as soon as an objection is received.
- b. The School cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.

PRIVACY BY DESIGN AND PRIVACY IMPACT ASSESSMENTS

The School will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the School has considered and integrated data protection into processing activities.

Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with the School's data protection obligations and meeting individuals' expectations of privacy. DPIAs will allow the School to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to Martenscroft Nursery School's reputation which might otherwise occur. A DPIA will be used when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals. A DPIA will be used for more than one project, where necessary.

High risk processing includes, but is not limited to, the following:

- a. Systematic and extensive processing activities, such as profiling.
- b. Large scale processing of special categories of data or personal data



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The School will ensure that all DPIAs include the following information:

- a. A description of the processing operations and the purposes
- b. An assessment of the necessity and proportionality of the processing in relation to the purpose
- c. An outline of the risks to individuals
- d. The measures implemented in order to address risk

Where a DPIA indicates high risk data processing, the School will consult the ICO to seek its opinion as to whether the processing operation complies with the GDPR.

DPIA form is attached at Appendix 5.

DATA BREACHES

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The DPO will ensure that all staff members are made aware of, and understand, what constitutes as a data breach as part of their continuous development training.

Where a breach is likely to result in a risk to the rights and freedoms of individuals, the Information Commissioner's Office (ICO) as the relevant supervisory authority will be informed. All notifiable breaches will be reported to the ICO within 72 hours of the School becoming aware of it.

The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual, the School will notify those concerned directly. A 'high risk' breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.

In the event that a breach is sufficiently serious, the public will be notified without undue delay. Effective and robust breach detection, investigation and internal reporting procedures are in place at the School, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.



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Within a breach notification, the following information will be outlined:

- a. The nature of the personal data breach, including the categories and approximate number of individuals and records concerned.
- b. The name and contact details of the DPO.
- c. An explanation of the likely consequences of the personal data breach.
- d. A description of the proposed measures to be taken to deal with the personal data breach.
- e. Where appropriate, a description of the measures taken to mitigate any possible adverse effects.
- f. Failure to report a breach when required to do so will result in a fine, as well as a fine for the breach itself.

Data breach reporting form is attached at Appendix 3.

DATA SECURITY

No personal data is to be taken off site, unless approved by the Headteacher.

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access. Confidential paper records will not be left unattended or in clear view anywhere with general access. If no longer required, paper records are to be put in to a 'white confidential waste sack' for onward secure destruction or shredded.

Hard drives and network drives are protected using New Technology File System (NTFS) permissions. Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.

USB Memory sticks are not to be used to hold personal information unless they are password protected and fully encrypted. Only school sanctioned encrypted memory stick can be used. All electronic devices are to be password-protected to protect the information on the device in case of theft. PC's will be read only enabled, data cannot be uploaded to USB Memory Sticks.

Dictaphones which hold confidential meeting minutes, are securely controlled by the Admin Team, the recordings are deleted after use.



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The school has a remote gateway and school staff can access school data offsite by using this secure access method. No data is to be saved to the users' personal device.

Staff are provided with their own secure login and password on their contract start date, and every computer regularly prompts users to change their password. Emails containing sensitive or confidential information are to be password-protected and a log is maintained recording the data control. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key.

The person taking the information from the School premises accepts full responsibility for the security of the data. Staff are prohibited from transporting paper copies of personal data via public transport. School trips – For 'offsite activities student emergency information' the trip organiser is to save the information to a mobile device provided by the school. Paper copies are not to be taken off site.

Before sharing data, all staff members will ensure:

- a. They are allowed to share it (approval required from the Headteacher).
- b. That adequate security is in place to protect it.
- c. Who will receive it, are entitled to receive the information or are disclosed under our Privacy Notice.
- d. A data sharing log is to be maintained by the Data Administrator.

Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the School containing sensitive information are supervised at all times. The physical security of the School's buildings and storage systems, and access to them, is reviewed on a termly basis.

If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place. Martenscroft Nursery School takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action. The Network Manager is responsible for continuity and recovery measures that are in place to ensure the security of protected digital data, which includes disabling access to electronic data when a staff member terminates their employment with the school.



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PUBLICATION OF INFORMATION

Martenscroft Nursery School publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:

- a. Policies and procedures.
- b. Reports.
- c. Financial information.

Classes of information specified in the publication scheme are made available quickly and easily upon request. Martenscroft Nursery School will not publish any personal information, including photos, on its website without the permission of the affected individual. When uploading information to the School website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

CCTV AND PHOTOGRAPHY

The School understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles. The School notifies all pupils, staff and visitors of the purpose for collecting CCTV images via signage. Cameras are only placed to minimise the impact on privacy and are necessary to fulfil their purpose of keeping the school site safe. All CCTV footage will be kept for 4 weeks for security purposes; the Network Manager is responsible for keeping the records secure and allowing access.

The School will always indicate its intentions for taking photographs of pupils and will retrieve permission before publishing them. If the School wishes to use images/video footage of pupils in a publication, such as the School website, prospectus, or recordings of school plays, written permission will be sought for the particular usage from the parent of the pupil.

On an annual basis the school commissions a professional photographer to take student and staff photographs for school use. The professional photographer also offers parents/guardians to purchase a photograph of their child, this is a private arrangement between the photographer and the parent/guardian. Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the GDPR.



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DATA RETENTION AND DISPOSAL

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former pupils or employees of the School may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. The school has adopted a retention schedule, which is published separately to manage their information in line with the current legislative framework. Paper documents are disposed of by using the provided 'crosscut' shredders (security level P4). Once electronic storage devices, including photocopier hard drives are not required, they are scrubbed clean or destroyed.

DISCLOSURE AND BARRING SERVICE (DBS) DATA

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication. Data provided by the DBS will never be duplicated. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler. Roles in schools are legally eligible for DBS checks and the DBS have published a 'Consent Privacy Policy' to ensure individuals are fully informed of the use of their personal data; their rights and that the school via (local authority name) meets the necessary requirements when submitting DBS checks. The 'DBS Consent Privacy Policy' explains customer rights for their data protection:

Visit: <https://www.gov.uk/government/publications/consent-privacy-policy>

RESPONSIBILITIES

All staff within the school are responsible for protecting and ensuring the security of the personal data to which they have access and/or process. Managers and staff are responsible for ensuring that all information in their direct work area is managed appropriately, in conformance with this policy and any subsequent procedures or documents. Staff who act in breach of this policy, or who do not act to implement it, may be subject to disciplinary procedures. The school will ensure that staff do not attempt to gain access to information that is not necessary to hold, know or process and that restrictions and/or encryptions are in place for specific roles within the organisation relating to personal and/or sensitive information. This policy does not form part of the formal contract of employment but is a condition of employment that employees will abide by. Any failures to follow the policy can therefore result in disciplinary proceedings. All staff are to sign the 'Staff Data Protection Agreement' attached at Appendix 4.



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Appendix 1A

Martenscroft Nursery School and Children's Centres **Privacy Notice** (How we use pupil information)

The Governors of Martenscroft Nursery School are committed to ensuring the security and protection of the personal information that we process, and to provide a compliant and consistent approach to data protection. We have always had a robust and effective data protection program in place which complies with existing law and abides by the data protection principles.

Martenscroft Nursery School is categorised as a Data Controller and is registered with the Information Commissioner's Office (ICO).

The personal data we hold Personal data that we may collect, use, store and share (when appropriate) about pupils include, but is not restricted to:

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth, eligibility for free school meals and special educational needs.)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Medical, accident logs, home address and next of kin information for use with emergency services, statutory assessment services, doctors' surgeries, school nursing service and social care.
- Contact details (home address, email address and telephone numbers)
- Assessment information (such as attainment and progress records across curriculum subjects)
- Behavioural information (types of behaviour displayed, outcomes of incidents and number of exclusions)
- Safeguarding information (detail of disclosures, outcomes of meetings, various plans and sensitive information regarding court proceedings, child protection plans and correspondence with outside agencies.)
- Educational History (such as prior and previous schools)
- Learning information (such as assessment outcomes)



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- Financial information (such as online payments, dinner money, trip payments and voluntary contributions)
- Admissions information (such as Supplementary Admissions Form information, Looked After Child status, widow/widower status and church attendance information)
- Health & Safety information (such as records of minor injuries and information that is required to comply with the Health & Safety Executive (HSE) RIDDOR requirements.
- Static and moving images (such as photographs of pupils and CCTV recordings)
- Exclusions information (such as start date, number of days, category, reason and correspondence to parents)
- Special Educational Need information (such as provision, needs, placements, payments, medical information, care information)
- Medical information (such as medical need, GP contact data, specialist contact details) • School history (such as school name, dates attended)
- Parent/Carer information (such as name, address, contact details)
- Emergency contact information (such as name, address, contact details)

Why we collect and use this information

We use the pupil data:

- to support pupil learning;
- to monitor and report on pupil progress;
- to provide appropriate pastoral care;
- to assess the quality of our services;
- to comply with the law regarding data sharing;
- to comply with statutory request for data from relevant authorities.

The lawful basis on which we use this information

We process the personal data detailed above in accordance with article 6 of the GDPR. Personal information will only be collected and used with your consent or where it is needed by the school or the local authority to comply with a legal obligation or to fulfil a public task. For example, the Education Act 1999 requires the collection of pupil data for school census purposes.



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Special category data (for example ethnicity, health or biometric data) is processed in accordance with Article 9 of the GDPR. It will usually only be collected and used with your explicit consent or where there is substantial public interest in the processing which enables the school to comply with a legal obligation. For further information on how data is used, please visit the following website <https://www.gov.uk/education/datacollection-and-censuses-for-schools>

Collecting pupil information

Whilst the majority of pupil 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 pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data for the length of time prescribed in our retention schedule, which allows us to manage information in line with the current legislative framework.

Who we share pupil information with

We routinely share pupil information with:

- Educational establishments that the pupil's attend after leaving us
- Local Authorities – to meet our legal obligations to share certain information with it, such as safeguarding concerns, exclusions, SEN and LAC
- The Department for Education (DfE) Where it is legally required or necessary (and complies with Data Protection laws) we routinely share pupil information with the following:
 - The pupil's family and representatives
 - Educators and examining bodies
 - Our regulator (Ofsted)
 - Suppliers and service providers – to enable them to provide the service we have contracted them for
 - Financial organisations
 - Central and local government



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- Survey and research organisations
- Security organisations
- Our auditors
- Health authorities
- Health and social welfare organisations
- Statutory assessment services
- Professional bodies
- Police forces, courts, tribunals
- Professional advisers and consultants
- Charities and voluntary organisations
- Daily attendance will be shared with the (Manchester City Council) commissioned service called the virtual school for all 'Looked After Children' attending this school

Why we share pupil information

We do not share information about our pupils 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 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>. For more information about services for young people, please visit Manchester City Council's 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



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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 NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guideand-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-howwe-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>



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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 the school's Office.

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
- 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, we request 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 our Data Protection Officer (DPO):

Shane Williams

Senior Data Protection Officer

Global Policing, Unit 2, The Pavilions, Bridge Hall Dr, Bury BL9 7NX

Email: data@globalpolicing.co.uk

Telephone: 0161 510 2999



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If you need more information about how our local authority and/or DfE collect and use your information, please see the

<https://secure.manchester.gov.uk/directoryrecord/287009/education>

Or visit, the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>



Martenscroft Nursery School Privacy Notice (How we use school workforce information)

The categories of school workforce information that we collect, process, hold and share include:

- Personal information (such as name, employee or teacher number, national insurance number).
- Special categories of data including characteristics information such as gender, age, ethnic group.
- Contract information (such as start dates, hours worked, post, roles and salary information).
- Work absence and attendance information (such as number of absences and reasons, also attendance on site).
- Qualifications (and, where relevant, subjects taught).
- Bank account information for payroll purposes.
- Medical, home address and next of kin information for use with emergency services.
- Contact details (home address, email address and telephone numbers).

Why we collect and use this information We use school workforce data to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed.
- Inform the development of recruitment and retention policies.
- Enable individuals to be paid.
- Enable individuals to be treated for medical purposes.
- Contact staff outside of school hours in an emergency.
- Report back to the Department for Education on statutory workforce census returns.

The lawful basis on which we process this information

We process this information under 'GDPR article 6' in respect of public task and from 'GDPR article 9' where data processed is categorised as special category data.



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For further information on how data is used, please visit the following website <https://www.gov.uk/education/datacollection-and-censuses-for-schools>.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of your data is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us.

It will usually only be collected and used with your explicit consent or where there is substantial public interest in the processing which enables the school to comply with a legal obligation.

Storing this information

We hold school workforce data for the length of time prescribed in our retention schedule, which we use to manage information in line with the current legislative framework.

Who we share this information with

We routinely share this information with:

- Our local authority.
- The Department for Education (DfE).
- Organisations which provide financial services.
- Organisations which provide registration tools.

Why we share school workforce information

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



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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) (England) Regulations 2007 and amendments.

Department for Education (DfE) We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment. We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

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>.

The department may share information about school employees with third parties who promote the education or wellbeing of children or the effective deployment of school staff in England by:

- Conducting research or analysis.
- Producing statistics.
- Providing information, advice or guidance.



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The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use.

Decisions on whether DfE releases personal 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.
- The arrangements in place to securely store and handle the data.

To be granted access to school workforce information, organisations must comply with its 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>.

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

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 school Data Protection Office.

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. If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with the school's Data Protection



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Officer. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>.

If you would like to discuss anything in this privacy notice, please contact our Data Protection Officer (DPO):

Shane Williams

Senior Data Protection Officer

Global Policing, Unit 2, The Pavilions, Bridge Hall Dr, Bury BL9 7NX

Email: data@globalpolicing.co.uk

Telephone: 0161 510 2999



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Appendix 2

Martenscroft Nursery School Subject Access Request Form (SAR)

Name of submitting person:

Name of individual whose information is being requested:

Name of authorised authority:

Please provide two appropriate identification types at the time of submitting this form, in person. No personal information will be recorded from your proof of identification. We will not release an individual's personal information until we are satisfied who is raising the request is either the intended recipient or a member of a legitimate authorised organisation (Police, Social Services, Solicitor).

Please complete the boxes below:

Information Detail	Requested Date	Requested Date Issued

Please note: Parents/guardians or authorities requesting information relating to Children's personal data that we process and store on behalf of our students/staff will need to submit a Subject Access Request (SAR) form via the school's Data Protection Officer.

We will seek advice in every case, from our Data Protection Officer and, where we deem it necessary, the Information Commissioner Office (ICO) prior to releasing requested information relating to children. Adults submitting a SAR may be required to provide more information to clarify your request. In these circumstances, we will respond to you within a calendar month of providing the clarification.

However, if any of the information requested is in the educational record, then the school will respond in 15 school days. The record is free to view; however, a charge will be applied if copies are required. Your request may be withheld due to a lawful exemption or where the information might cause serious harm to the physical or mental health of the pupil or another individual. If this is the case please see our reasons below: If you are unhappy with the result or information released from this SAR, please contact the Information Commissioner's Office to whom we recommend you seek advice on Tel: 0303 123 1113.



Data Breach Incident Reporting Form

GENERAL DETAILS	
Name of person reporting:	
Department:	
Contact number:	
Date form completed:	
Date of incident:	
Location of incident:	
ABOUT THE INCIDENT	
Incident description. What has happened?	
Was personal information lost or compromised? If yes, was sensitive personal data compromised? <small>This is data relating to health, social care, public health, ethnicity, sexual life, trade union membership, political or religious beliefs, criminal offences, genetic or biometric data.</small>	
What information does it relate to? <small>E.g. a file containing pupils' details, or staff addresses</small>	
How many people does the information relate to?	
What medium was the information held on? <small>- Paper, USB stick, Laptop, etc</small>	
Dealing with the incident:	
Please list initial actions: - Who has been informed? What has been done?	
Has any action been taken to prevent recurrence?	
Are further actions planned? If so, what?	
Incident Management	
If electronic, was the data encrypted?	Yes/No
Have the staff involved in the security incident done any Data Protection Training?	Yes/No
Has the data subject been informed?	Yes/No
Has the line manager been informed?	Yes/No
IT Services informed (if the incident involves the loss or theft of IT Equipment)?	Yes/No



Data Protection and Confidentiality Statement Staff and Governors

I confirm that I have read the Data Protection Policy and adhere to the clauses within them with regard to confidentiality and data protection.

For the purposes of this document, 'Personal Data' includes all personal and sensitive data for children and staff.

I undertake to follow the procedures below to ensure that personal data is secure:

- All personal data held must be accurate, relevant and secure.
- Explicit consent must be sought for collecting and sharing data for purposes other than for a legal basis, such as using photographs or completing surveys (Admin retain all student consent forms).
- Documents which hold personal data will be kept secure.
- If documents are removed from the school for an approved purpose, they will be carried safeguarded at all times (paper files). The Headteacher's approval is required prior to the removal of personal data from the school.
- Passwords will be kept confidential, secure and changed as per network policy.
- Any loss or potential loss of data or breaches of confidentiality must be reported immediately to the Data Protection Officer (DPO).
- For the purposes of taking books home for marking, books must be kept securely during transportation (public transport must not be used). Children will be advised not to use photographs on their books.
- Passwords for the computer system and must not be on display or easily found on desks, if you write down passwords they must be kept locked away at all times.
- Computers must be locked or shut down when leaving the room.
- Online tools or systems that require the use of personal data (student/staff) are not to be used without consultation with the Headteacher.
- School personal data will not be held on personal computers at home.
- All staff will ensure that they possess no personal data on home computers, personal devices, non-encrypted data sticks, hard drives or in paper form.
- Emails containing personal data will only be sent when there is no other option and only to other e-mail addresses known to be secure and accessed only by the intended recipient.
- Minutes of meetings should use initials and not full names.

Name: Signed: Date:

Examples of Data Breaches include, but are not limited to the following, and are potential disciplinary breaches: • Sending e-mails / letters to the wrong address. • Leaving files containing confidential information in a public place. • Staff removing information from school which they are not permitted to. • Failing to keep personal details of separated parents confidential. • Sending confidential information by unsecured post which goes missing.