



*Interim Update subject to the King's Ely Data
Protection Review for GDPR compliance*

Data Protection Policy

Whole school	WEBSITE
Statutory?	Yes
Reviewed	January 2018
Next review	January 2021

1 STATEMENT

- 1.1 The Board of Governors of King's Ely (the 'Board') has established this Data Protection Policy (the 'Policy') which is addressed at all Staff whether employed full time or part time or contracted and whether paid or unpaid, whatever their position, role or responsibilities and includes teachers, peripatetic teachers and coaches, trainee teachers, teaching assistants, part-time Staff, gap students, administrative Staff, caretakers and other ancillary Staff, pupils paid to work at school (for example after-school carers or Lifeguards), governors, contractors, agency Staff, work experience / placement students and volunteers. It explains King's Ely's general approach to data protection, and provides practical guidance which will help to ensure that King's Ely and its Staff complies with the Data Protection Act 1998 (the 'Act').
- 1.2 In this Policy, the terms Personal Data, Sensitive Personal Data, Data Controller and processing in the same way as they are used in the Act.
- 1.3 **All Staff are responsible for complying with this Policy.** A member of Staff who deliberately or recklessly discloses Personal Data held by King's Ely without proper authority could be guilty of a criminal offence and gross misconduct. This could result in summary dismissal.

2 INTRODUCTION

- 2.1 King's Ely (the 'School') is required to process personal data as part of its operation and takes all reasonable steps to do so in accordance with this Policy. As the Data Controller, the School is responsible for complying with the Act. The Board has delegated day to day responsibility for compliance with the Act to the Business Manager. All Staff are responsible for complying with this Policy.
- 2.2 To this end, the King's Ely Business Manager, acting as the appointed Data Protection Controller (the 'DPC'), will endeavour to ensure that all personal data is processed¹ in compliance with this Policy and the Principles of the Data Protection Act 1998.
- 2.3 Compliance with this Policy will help the School to meet its obligations under the Act but it does not commit the School to a higher standard than is required by the Act. In some circumstances, e.g. situations involving safeguarding concerns, strict compliance with the

¹ 'Processing' is a catch-all term and means obtaining or recording information or carrying out any operation on the information such as storing or using the information or passing it on to third parties.

Act will be subsidiary to other considerations. Most of the fines under the Act relate to security breaches such as leaving an unencrypted memory stick in a public place, sending sensitive documents to the wrong fax recipient, disposing of confidential documents without shredding them first or accidentally uploading confidential information to the web.

2.4 The School will, so far as is reasonably practicable, comply with the Data Protection Principles contained in the Data Protection Act to ensure all data is:

- fairly and lawfully processed;
- processed for a lawful purpose;
- adequate, relevant and not excessive;
- accurate and up to date;
- not kept for longer than necessary (as dictated by legislation);
- processed in accordance with the data subject's rights;
- secure;
- not transferred to other countries without adequate protection.

2.5 This Policy is intended to give an overview of the Act and Staff obligations. This Policy should be read alongside other School Policies including:

- Digital Use Policy;
- IT acceptable use Policy;
- Retention of Records Policy and Procedure;
- Privacy notice for Staff (at Annex A); and
- Privacy notices for pupils and parents (at Annex B).

This list is not exhaustive.

3 WHAT IS PERSONAL DATA?

3.1 The School may hold different types of information about its Staff, parents and pupils, alumni and suppliers or other members of the School community, including members of the Ely Cathedral community.

3.2 The term 'Personal Data' covers both facts and opinions about an individual. Personal Data is information about individuals who can be identified from that information. (e.g. employment information; personal details, such as home address, date of birth and next of kin; financial information, including information about the payment of fees at this School or any other School and bank details; biometric information, such as thumbprint recognition and details of medical conditions; or information such as pupil discipline records, School reports, attendance records and exam results). It makes no difference whether they can be identified directly from the record itself or indirectly using other information.

- 3.3 This Policy covers the School's processing of information which means the acquisition or recording of Personal Data or carrying out any operation on the information such as storing and using the Personal Data it holds or passing it to third parties, and in particular records about pupils, parents, Staff and suppliers. Personal Data is:
- personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings);
 - personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, School year or School activities); and
 - health and medical records and information, including details of illnesses, allergies or other medical conditions suffered by pupils and Staff, prepared by a doctor, nurse or other health professional (even if not held on computer or held as part of an organised file).
- 3.4 The School shall only process Personal Data for specific and legitimate purposes. These are:
- ensuring that the School provides a safe and secure environment;
 - providing pastoral care;
 - providing education and learning for children;
 - providing additional activities for children and parents (e.g. activity clubs);
 - protecting and promoting the School's interests and objectives (including fundraising);
 - safeguarding and promoting the welfare of children;
 - for personnel, administrative and management purposes (e.g. to pay Staff and to monitor their performance); and
 - to fulfil the School's contractual and other legal obligations.
- 3.5 The School shall not hold unnecessary Personal Data, but shall hold sufficient information for the purpose for which it is required. The School shall record that information accurately and shall take reasonable steps to keep it up to date. This includes an individual's contact and medical details.
- 3.6 When the School acquires personal information that will be kept as Personal Data, the School shall be fair to the Data Subject and fair to whoever provides the information (if that is someone else).
- 3.7 The School shall not transfer Personal Data outside the European Economic Area (the 'EEA') without the Data Subject's permission unless it is satisfied that the Data Subject's rights under the Act will be adequately protected and the transfer has been approved by the DPC. This applies even if the transfer is to a pupil's parents or guardians living outside the EEA.

- 3.8 **The School Staff must not process Personal Data for any other purpose without the written permission of the DPC.** Staff should seek advice from the DPC before using Personal Data for a purpose which is different from that for which it was originally acquired. If information has been obtained in confidence for one purpose, it shall not be used for any other purpose without the DPC's permission.

4 DATA PROTECTION – STAFF

- 4.1 The School will try to ensure that all personal data held in relation to employees is accurate. Staff must notify the school of any changes to information held about them.
- 4.2 The employee's consent may be required for the processing of personal data, unless processing is necessary for the performance of the contract of employment. Any information which falls under the definition of personal data and is not otherwise exempt² will remain confidential and will only be disclosed to third parties with the consent of the employee.
- 4.3 The School may, from time to time, be required to process sensitive³ personal data regarding an employee. In such cases, the explicit consent of the employee will be required in writing.
- 4.4 Employees have the right of access to information held by the School, subject to the provisions of the Data Protection Act 1998. Any employee wishing to access their personal data should put their request in writing to the DPC (see below Section 6).

² Certain data is exempted from the provisions of the Data Protection Act which includes (but is not limited to) the following:

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

³ Sensitive personal data includes medical information and data relating to gender, religion, race, sexual orientation, trade union membership and criminal records and proceedings.

5 DATA PROTECTION – PUPILS/ PARENTS

- 5.1 The School holds information about pupils, including exam results, behaviour record, parent and guardian contact details, financial information, biometric information in the form of fingerprint recognition and details of medical conditions. This information is kept electronically on the school's information management system (iSAMS) or manually in paper filing systems.
- 5.2 The School may process information about parents, including Education Guardians and Agents, and pupils in order to safeguard and promote welfare; promote the objectives and interests of the school; facilitate the efficient operation of the school; and ensure that all relevant legal obligations are complied with. Where, in the professional opinion of the Principal, it is deemed necessary, we may share information with certain third parties. Additionally, we may, in order to verify identity and so that we can assess an application for the award of a bursary or for credit in contemplation of an agreement for the deferment of fees, search the files of any licensed credit reference agency who will keep a record of that search and details about the application. This record will be seen by other organisations which make similar searches. Failure to supply information may result in a refusal of an award or credit.
- 5.3 In the case of pursuing debt or safeguarding matters, we may make necessary personal data available to legal and other relevant parties.

6 DATA SUBJECT ACCESS REQUEST

- 6.1 **The Data Subject** is the person the information relates to. There may be more than one Data Subject, such as when a record concerns an incident involving two pupils.
- 6.2 Individuals are entitled to know whether the School is holding any Personal Data which relates to them, what that information is, the source of the information, how the School uses it, and who it has been disclosed to.
- 6.2 Individuals have a legal right to ask the School:
- not to use their Personal Data for direct marketing purposes or in ways which are likely to cause substantial damage or distress;
 - for incorrect Personal Data to be corrected or annotated;
 - not to make automatic decisions (using Personal Data) if such automatic decisions would affect them to a significant degree.
- 6.3 A member of Staff who receives a request for information covered by this Policy from a pupil, parent or any other individual must inform the DPC as soon as is reasonably possible, which should in most cases be the same day. This is important as there is a statutory procedure and timetable which the School must follow.

- 6.4 A member of Staff wishing to exercise a right to request information covered by this Policy, can do so by submitting a request in writing to the Business Manager, and by paying the appropriate fee of £10.
- 6.5 The School will respond to a subject access request promptly and in any event within 40 calendar days of receiving it. However, some types of personal data are exempt from the right of subject access and so cannot be obtained by making a subject access request.

7 SECURITY

- 7.1 Information security is the most important aspect of data protection compliance and most of the fines under the Act for non-compliance relate to security breaches. Please see the information security Policy which deals with this in detail. To this end the School makes every effort to ensure that appropriate security measures are taken against unlawful or unauthorised access to, or processing of personal electronic or paper data (relating to Staff, pupils and parents), and against the accidental loss of, or damage to, personal data. As such, no member of Staff is permitted to remove personal data from school premises, whether in paper or electronic form and wherever stored, without prior consent of the Principal or the DPC. Where an employee is permitted to take or process data offsite it will be password protected.
- 7.2 Any device providing electronic access to the School systems capable of processing or strong personal data, including via any remote connection, must be password protected.
- 7.3 Sharing Personal Data with others is often permissible so long as doing so is fair and lawful under the Act. At the School Personal Data should only be shared on a need to know basis. Personal Data shall not be disclosed to anyone who does not have the appropriate authority to receive such information, irrespective of their seniority within the School or their relationship to the Data Subject, unless they need to know it for a legitimate purpose. Examples include:
- the School Nurse may disclose details of a lunchtime supervisor's allergy to bee stings to colleagues so that they will know how to respond, but more private health matters must be kept confidential;
 - personal contact details for a member of Staff (e.g. their home address and telephone number, and their private mobile telephone number and email address) shall not be disclosed to parents, pupils or other employees unless the member of Staff has given their permission.
- 7.4 Before sharing Personal Data outside of the School, Staff should:

- make sure that they are allowed to share it;
 - ensure adequate security in accordance with the King's Ely Information Security Policy. What is adequate will depend on the nature of the data. For example, if the School is sending a child protection report to social services on a memory stick then the memory stick must be encrypted; and
 - make sure that the sharing is covered in the privacy notice.
- 7.5 Staff should always speak to the DPC if in doubt, or if Staff are being asked to share Personal Data in a new way.
- 7.6 If an employee, pupil or parent believes that the school has not complied with this Policy, or has acted otherwise than in accordance with the Data Protection Act, the DPC should be notified immediately.
- 7.7 Please see the School's Information Security Policy which deals with this in detail.

8 PRIVACY NOTICE

- 8.1 Individuals must be told what data is collected, and what it is used for, unless it is obvious. This is sometimes called a privacy notice or statement (sometimes also called a fair processing notice or statement).
- 8.2 The privacy notice must explain what information will be collected, what it will be used for, which third parties (if any) it will be shared with and anything else which might be relevant. Staff are not expected to routinely provide pupils, parents and others with a privacy notice as this should have already been provided and is on the School's website.
- 8.3 All Staff should inform the Business Manager if they suspect that the School is using Personal Data in a way which might not be covered by an existing privacy notice. This may be the case where, for example, Staff are aware that the School is collecting medical information about pupils without telling their parents what that information will be used for.

9 IMAGES

- 9.1 Please see the School's Protocols regarding the publication of student images which deals with this in detail (attached at Annex C).
- 9.2 The School may use photographs and video recordings of staff for marketing and promotion purposes including in School publications, on any School noticeboards, in social media and on the School website. The School may also allow external publication of media where appropriate (for example, in a local newspaper). The School may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to pupils

10 ICO WEBSITE

- 10.1** The School has registered its use of Personal Data with the Information Commissioner's Office and further details of the Personal Data it holds, and how it is used, can be found in the School's register entry on the Information Commissioner's website at www.ico.org.uk under registration number Z5449448. This website also contains further information about data protection.

If you would like any further information about anything within this Policy, please contact the DPC.

ANNEX A

PRIVACY NOTICE FOR STAFF

Introduction

- 1 During the course of the School's activities the School will process Personal Data about staff.
- 2 This notice is aimed at all School staff whether employed full time or part time or contracted and whether paid or unpaid (whatever their position, role or responsibilities and includes teachers, peripatetic teachers and coaches, trainee teachers, teaching assistants, part-time staff, gap students, administrative staff, caretakers and other ancillary staff, pupils paid to work at school (for example after-school carers or Lifeguards), governors, contractors, agency staff, work experience / placement students and volunteers) and explains how the School uses Personal Data that is covered by the Data Protection Act 1998 (the **Act**). The School may amend this statement at any time.
- 3 The purpose of the Act is to safeguard information about individuals. The Act covers issues such as data security, an individual's right to access their Personal Data and use and the disclosure of Personal Data.
- 4 The School is a **Data Controller** under the Act. This means that it is responsible for compliance with the Act.
- 5 **Personal Data** is information about identifiable individuals that is held on a computer or is held in a file by reference to specific criteria concerning the individual. It also applies to some other records such as certain medical records.
- 6 The School has appointed the Business Manager as its Data Protection Controller (**DPC**). Any questions you have in relation to this Policy should be sent to the DPC.

What Personal Data the School holds and how it is acquired

- 7 Examples of the Personal Data which the School holds about staff include:
 - 7.1 information gathered during the recruitment process such as information about education and qualifications, professional achievements and suitability for the position applied for;
 - 7.2 information about job performance. This includes information about skills, achievements, career progression and disciplinary related matters; and

- 7.3 other information about staff such as financial information, photographs, expressions of opinion or indications as to intentions regarding staff.
- 8 The School may process sensitive Personal Data relating to staff including:
 - 8.1 information about staff physical or mental health conditions in order to monitor sick leave and take decisions regarding fitness for work; and
 - 8.2 information about protected characteristics of staff in accordance with the School's equal opportunities Policy in order to monitor compliance with equal opportunities legislation.
- 9 The School may acquire Personal Data in a number of ways. For example:
 - 9.1 staff may provide the School with Personal Data about themselves, for example, during the recruitment process;
 - 9.2 Personal Data may be created internally by the School during the course of employment. An email from the Principal to a member of staff complimenting them on class management would be an example of this; and
 - 9.3 Personal Data may be acquired from outside of the School community such as from other schools, public authorities, public sources and in connection with references.

How the School uses Personal Data

- 10 In respect of staff, the School commonly uses Personal Data for:
 - 10.1 ensuring that the School provides a safe and secure work environment;
 - 10.2 providing employment services (such as payroll and references);
 - 10.3 providing training and support;
 - 10.4 protecting and promoting our interests and objectives - this includes fundraising;
 - 10.5 personnel, administrative and management purposes and to enable the School to meet its legal obligations as an employer. For example, to pay staff and to monitor their performance;
 - 10.6 safeguarding and promoting the welfare of all staff and pupils; and
 - 10.7 fulfilling our contractual and other legal obligations.
- 11 The School may use Personal Data for other purposes where the Act allows and where providing an explanation would not be appropriate. For example, this includes sharing Personal Data about staff with the relevant statutory agencies investigating allegations of misconduct or for the prevention and investigation of crime and the prosecution of

offenders. The School will not use Personal Data for any other purpose unless it has first communicated the other purposes or it considers it is reasonable and fair to do so.

Specific examples

- 12 **CCTV:** The School uses CCTV recordings for the purposes of crime prevention and investigation and also in connection with its obligation to safeguard the welfare of pupils, staff and visitors to the School site. CCTV recordings may be disclosed to third parties such as the police but only where such disclosure is in accordance with the Act. Further information about the use of CCTV can be found in the School's CCTV Policy (a copy of which is published on the School's website).
- 13 **Photographs and video recordings:** The School may use photographs and video recordings of staff for marketing and promotion purposes including in School publications, on any school noticeboards, in social media and on the School website. The School may also allow external publication of media where appropriate (for example, in a local newspaper). The School may also make recordings for teaching purposes, for example, recording a drama lesson to provide feedback to pupils.
- 14 **Software:** Software which monitors School email and internet browsing activities is covered in the IT acceptable use Policy.

Processing in line with your rights

- 15 You have the right to:
 - 15.1 request access to any Personal Data the School holds about you;
 - 15.2 ask to have inaccurate data held about you amended;
 - 15.3 prevent processing that is likely to cause unwarranted substantial damage or distress to you or anyone else; and
 - 15.4 object to any decision that significantly affects you, from being taken solely by a computer or other automated process.

Further Information

- 16 **Contact:** If you would like any further information about anything within this notice please contact the DPC.

ANNEX B

PRIVACY NOTICE

The following statement explains our policy regarding any personal information we collect.

How we use your information

We have created this Privacy Notice in order to demonstrate King's Ely's firm commitment to your privacy. Personal data collected by the School is handled responsibly in accordance with the School's Terms and Conditions and Data Protection Policy which are available upon request. You are entitled to see a copy of the personal data that we hold on you. Should you have any queries concerning this right, or our policies in general, please contact the Business Manager.

Our website

Our website do not automatically capture or store personal information, other than logging the user's IP address and session information such as the duration of the visit and the type of browser used. This is recognised by the web server and is only used for system administration and to provide statistics.

CCTV

King's Ely uses CCTV to monitor its premises and adjacent areas in order to maintain security and to prevent and investigate crime. Footage is retained in accordance with the School's CCTV Policy.

Photography

King's Ely uses photographic images in its publications and on its websites. We will not publish photographs of individuals alongside their full names without the appropriate permissions.

Admissions

As part of our admissions procedure we collect details of candidates and their parents or guardians. This information may be used for administrative or legal purposes during the selection process. Should the application be unsuccessful paper copies of this information will be securely destroyed within six months (although electronic records will remain on the school's admissions database unless otherwise requested) unless there is an on-going query.

Pupils, parents and guardians

When a pupil accepts a place at King's Ely further data may be collected in addition to that submitted as part of the admissions process. This might include: medical records and information, including details of any illnesses, allergies or other medical conditions suffered by pupils; personal details such as home address, date of birth and next of kin; information concerning pupil's performance at school, including their discipline record, School reports and examination results; financial information including information about the payment of fees; biometric data – specifically thumbprint recognition. This information is kept electronically on the School's information management systems and/or manually in secure indexed filing systems.

The School uses this information in order to safeguard and promote the welfare of its pupils, promote the objectives and interests of the School, facilitate the efficient operation of the School and ensure compliance with relevant legal obligations. Examples include: the School keeping details of medical conditions from which a pupil may suffer so that staff will be able to respond appropriately in the event of a medical emergency.

The School may receive requests from third parties to disclose personal data it holds about pupils, their parents or guardians. The School confirms that it will not disclose information unless the individual has given their consent or one of the specific exemptions under the Data Protection Act applies. For example, the School will disclose such data as is necessary to third parties for the following purposes: to give a confidential reference to any educational institution which it is proposed that the pupil may attend; to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of School trips. Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure. If the data requested can be anonymised the School will release the information in this form.

Old Eleans

Maintaining a relationship with our alumni is important to us. Our Development Office may use personal data you have given to the School and information in the public domain to keep in touch and to notify you of School events and activities you might find of interest. Your details will only ever be used by the School and its representatives, and will never be passed on to others without your express permission. If your details change or you wish to opt out of communications from us please contact: mail@kingsely.org.

Employees

King's Ely will use the information supplied by you for all purposes associated with the administration of the employer/employee relationship, including the monitoring of our communications facilities to check for compliance with our relevant policies. We will transfer part of the information we hold on you to third parties where we are required to do so by operation of law. We may also transfer your information to companies and organisations that carry out processing operations on our behalf, such as payroll companies.

Archives

Records considered to be of historic value are retained in the School's archive indefinitely. Personal data concerning living individuals, which is not in the public domain, is unavailable to researchers, unless the subject of the information provides written consent.

ANNEX C

Protocols regarding the publication of student images

Age	Usual image protocol	Protocol for exceptional press and social media
EYFS (All Nursery and Reception)	Images used for publicity without any name attached	No names attached to any images
Years 1-6	Images used for publicity without any name attached	<p>No names attached to any images.</p> <p>Multiple children may be listed as “children in Year 2” or “pupils at King’s Ely Junior” for example.</p>
Years 7 and 8	Images used for publicity without any name attached	<p>When written parental permission is obtained, an image may be used with names but not in such a way that an individual student can be identified.</p> <p>Photographs containing one student will be avoided.</p>
Years 9-11	Images used for publicity without any name attached	<p>When written parental permission is obtained, an image may be used with names but not in such a way that an individual student may be identified.</p> <p>With parental permission and the agreement of The Principal, an image of a student with names may be used under exceptional circumstances.</p>
Years 12&13	Images used for publicity without any name attached	<p>When written parental permission and the written permission from the student concerned are obtained, individual students may be featured and named in the press or on social media</p>