



The Levels Academy Trust

Raising Aspirations, Realising Potential TOGETHER

Data Protection Policy

**(includes Subject Access, FoI, Data Breach Reporting
and Data Retention procedures)**

GDPR Ready

Approved by The Levels Academy Trust

Reviewed October 2020

Next Review due October 2021

The Levels Academy Trust Data Protection Policy

Contacts and Review Information

School Data Protection Lead Contact individual school office for named person

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Introduction

Schools within The Levels Academy Trust need to use information about pupils, staff and other users to allow us to follow our duties, and to provide other services with data that we have a legal, statutory or contractual right to process.

Schools within the Trust will comply with the data protection principles which are set out in Data Protection regulations and other laws.

The Data Controller and other roles

Each individual school within the Trust, as a body, is the Data Controller.

The Trust has identified its designated Data Protection Officer ([DPO – see Appendix A](#)).

Other day to day matters within each school will be dealt with by The Data Protection Lead of which there is one in each school ([DPL see Appendix B](#)), The Head teacher, Deputy Head teacher, and the Senior Administrator.

Responsibilities of each Trust School

Each school within The Levels Academy Trust is committed to protecting and respecting the confidentiality of sensitive information relating to staff, pupils, parents and governors. This implies that each school will:

- a) register with the Information Commissioners Office (ICO);
- b) keep an up to date Data Asset Audit ([See Appendix C](#)) which lists all known uses of personal data in the school;
- c) verify that all systems involving personal data or confidential information will be examined to see that they meet the Data Protection Act 1998 regulations;
- d) inform all users about their rights regarding data protection;
- e) provide training to ensure that staff know their responsibilities;
- f) monitor its data protection and information security processes on a regular basis, changing practices if necessary
- g) appoint a designated Data Protection Lead

Responsibilities of Staff

All staff are responsible for checking that any information they provide to the School is accurate and up to date.

All staff are responsible for ensuring that any personal data they use in the process of completing their role:

- a) is not in the view of others when being used;
- b) is kept securely in a locked cabinet when not being used;
- c) is stored on a password protected local hard or network drive;
- d) is kept on a removable storage device (e.g. laptop, tablet, USB memory stick) approved by the school and is password protected and encrypted. The data held on these devices must be backed up regularly which is the responsibility of the individual;
- e) is not disclosed to any unauthorised third party;

- f) is assessed and approved by the Senior Leadership Team or the DPL with advice from the DPO (see Privacy Impact Assessment from [Appendix D](#)) if used within an app, webservice or other application.

Staff should note that unauthorised disclosure or transgression of the above statements will usually result in a disciplinary matter.

Responsibilities of Parents/Guardians

Each of the schools within the Trust will inform the Parents/Guardians of the importance of the personal data the school uses and the importance of keeping this up to date. This process will include an annual data collection sheet (with the return of this document being recorded) and reminders in newsletters and at parent's evenings.

Other permissions will also be sought regarding matters of non-statutory use of personal data, such as the use of images and names in publicity materials on induction or when required. The returns to these permissions will be recorded and exemptions communicated to staff.

Rights to Access Information

All persons having personal data stored by the school have the rights to:

- a) obtain confirmation from the school if personal data concerning him or her (or their child) is being processed;
- b) Where this is the case, have a copy of the personal data and the following information:
- (i) the purposes of the processing;
 - (ii) the third parties that the data will be shared with;
 - (iii) the period for which the personal data will be stored;
 - (iv) the existence of the right to request your data from the school to correct, erase or restrict processing of personal data if it can be proved to be incorrectly held;
 - (v) the right to lodge a complaint with a supervisory authority;
 - (vi) where the personal data is not collected from the data subject, any available information as to their source.
- c) if exemptions are placed on any of the data above, because of safeguarding or other issues, the existence of this data will be declared.

Each school within the Trust will place on its website Privacy Notices¹ regarding the personal data held about them and the reasons for which it is processed.

Access to the data is called a Subject Access Request. Any person who wishes to exercise this right (or their parental right) should make a request in writing and sub-

¹ <https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notice>

mit it to the Head teacher or the Chairman of Governors. The process for dealing with this request is outlined in [Appendix E](#).

Each School aims to comply with requests for access to personal information as quickly as possible and in accordance with advice from the ICO and other professional agencies.

Freedom of Information Requests

Freedom of Information requests are requests from any member of the public about processes, policies and other non-personal information about the school. These requests will always be processed and the rights of individuals (within Data Processing Act 2018) not to be identified respected while maintaining legal responsibilities within the Freedom of Information Act.

The process for dealing with Freedom of Information requests is given in [Appendix E](#).

Data Breaches

If there is a Data Breach the school will inform the DPO who will then advise on any actions.

Any Data Breaches will be recorded, comprising the facts relating to the personal data breach, its effects and the remedial action taken as shown in [Appendix G](#).

If there are risks to the individual the school will communicate the breach to the data subjects.

In the case of a personal data breach the ICO should be informed as soon as possible and **within 72 hours of notification**. Further investigation of the breach can take place after this notification in line with advice from the DPO and the ICO.

Data breaches are reported using the information found at his webpage: <https://ico.org.uk/for-organisations/report-a-breach/> and <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/personal-data-breaches/>

When reporting a breach, the Data Protection Act 1998 states that you must provide:

- a description of the nature of the personal data breach including, where possible:
- the categories and approximate number of individuals concerned; and
- the categories and approximate number of personal data records concerned;
- the name and contact details of the data protection officer (if your organisation has one) or other contact point where more information can be obtained;
- a description of the likely consequences of the personal data breach; and
- a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.

Data Retention Policy

The school has responsibilities under the Data Protection Principles to keep data only for as long as we need to.

In respect of the length of time that schools should keep the data the school will follow the advice from the IRMS using their Records Management Toolkit for schools².

If paper is due to be destroyed, it will be cross-cut shredded by the school and disposed of by a commercial company.

If data is held on electronic devices then these will be deleted in line with the advice from the ICO³.

A record should be kept of the data destroyed and/or the certificate of destruction issued by a third party.

Reporting policy incidents

Any member of staff, parent or other individual who considers that the Policy has not been followed in respect of personal data should raise the matter with the Head teacher or Chair of Governors.

Monitoring and Evaluation

This policy will be monitored and reviewed in line with the school's policy review procedure.

² <http://irms.org.uk/page/SchoolsToolkit>

³ <https://ico.org.uk/for-the-public/online/deleting-your-data/>

Appendix A – Roles of Data Protection Officer

Purpose

The Data Protection Officer (DPO) is responsible for monitoring compliance with current data protection law, and has the knowledge, support and authority to do so effectively. They oversee and verify the school's data protection processes and advise the school on best practice.

Within each school there will be a Data Protection Lead (DPL), who maintains contact with the DPO and is responsible for assisting in monitoring with compliance and verifies the school's data protection practices on a day to day basis.

Data Protection Officer Responsibilities

To:

- advise the school about their obligations under the Data Protection Act 1998;
- advise the schools of the frequency of reporting to Governors (annually)
- support the DPL in developing a joint understanding of the school's processing operations, information systems, data security processes and needs, and administrative rules and procedures;
- assist, in cooperation with the DPL, with the monitoring of the school's compliance with data protection law, by:
 - collecting information to identify data processing activities;
 - analyzing and checking the compliance of data processing activities;
 - informing, advising and issuing recommendations to the school;
 - ensuring they have current and detailed information in data protection issues and changes to the law, attending relevant training as appropriate;
- assist the DPL in making sure that the school's policies are followed, through:
 - assigning responsibilities to individuals;
 - awareness-raising activities;
 - co-ordinating staff training;
 - conducting internal data protection audits;
- advise on and assist the school with carrying out data protection impact assessments, if necessary;
- act as a contact point for the ICO, assisting and consulting it where necessary, including:
 - helping the ICO to access documents and information;
 - seeking advice on data protection issues;
- act as a contact point for individuals whose data is processed (for example, staff, pupils and parents), including:

- responding with support from the DPL to subject access requests;
- responding with support from the DPL to other requests regarding individuals' rights over their data and how it is used;
- take a risk-based approach to data protection, including:
 - prioritizing the higher-risk areas of data protection and focusing mostly on these
 - advising the school if/when it should conduct an audit, which areas staff need training in, and what the DPO/DPL roles should involve.
- report to the Local Governing Body (LGB) on the school's data protection compliance and associated risks;
- respect and uphold confidentiality, as appropriate and in line with data protection law, in carrying out all duties of the role;
- assist the DPL in maintaining a record of the school's data processing activities;
- work with external stakeholders, such as suppliers or members of the community, on data protection issues;
- working with the DPL in fostering a culture of data protection throughout the school;
- work closely with other departments and services to ensure GDPR compliance, such as HR, legal, IT and security;
- work with the Senior Leadership team at the school to ensure GDPR compliance;
- assist with any additional tasks necessary to keep the school compliant with data protection law and be successful in the role.

Tasks

From these responsibilities, isolated tasks should include:

- providing a model Data Protection Policy and assist in customizing it for the school;
- advising on procedures and pro-formas to allow the Data Protection Policy to be adhered to;
- providing advice on other associated policies and documents;
- providing materials and advice in completing a dynamic Data Asset Audit and assisting in its completion if necessary;
- collecting the Data Asset Audit on a yearly basis and checking for issues;
- providing training materials to allow the DPL to assist staff in keeping up to date with Data Protection issues;
- acting as the point of contact for SAR and FOI requests and supporting the school to provide the information as required;

- providing a Data Protection Audit on a 3 yearly rota basis and producing a report for the LGB;
- providing telephone and email advice and support;
- providing regional training for the DPL and other staff;
- providing school based on-demand training either as part of the Ed Tech subscription or at cost.

Appendix B – Data Protection Lead Role

Data Protection Lead Responsibilities

To:

- verify that the school has registered with the ICO;
- support the DPO in advising the school about their obligations under the Data Protection Act 1998;
- support the DPO in developing an understanding of the school's processing operations, information systems, data security processes and needs, and administrative rules and procedures;
- assist, in cooperation with the DPO, with the monitoring of the school's compliance with data protection law, by:
 - collecting information to identify data processing activities;
 - analyzing and checking the compliance of data processing activities;
 - informing, advising and issuing recommendations to the school;
 - ensuring they have current and detailed information in data protection issues and changes to the law, attending relevant training as appropriate;
- assist the DPO in making sure that the school's policies are followed, through:
 - assigning responsibilities to individuals;
 - awareness-raising activities;
 - co-ordinating staff training;
 - conducting internal data protection audits;
- act as a contact point for the DPO in supporting individuals whose data is processed (for example, staff, pupils and parents), including:
 - responding, with support from the DPO, to subject access requests;
 - responding, with support from the DPO, to other requests regarding individuals' rights over their data and how it is used;
- assist the DPO in maintaining a record of the school's data processing activities providing this on a yearly basis to the DPO;
- assisting the DPO in working with external stakeholders, such as suppliers or members of the community, on data protection issues;
- working with the DPO in fostering a culture of data protection throughout the school;
- work with the Senior Leadership team at the school to ensure GDPR compliance;
- assist with any additional tasks necessary to keep the school compliant with data protection law and be successful in the role.

Tasks

From these responsibilities, isolated tasks should include:

- act as the point of contact with the DPO;
- assist in customizing the Data Protection Policy for the school;
- advise on procedures and pro formas to allow the Data Protection Policy to be adhered to;
- provide advice on other associated policies and documents;
- providing materials and advice in completing a Data Asset Audit and assisting in its completion if necessary;
- supplying the DPO with the Data Asset Audit on a yearly basis;
- using the training materials provided by the DPO to assist the staff in keeping up to date with Data Protection issues.

Appendix C – Data Asset Audit

Each school within the Trust will document the personal data it stores.

This document will be a dynamic document and be the responsibility of the DPL assisted by the DPO.

It will be updated using the Privacy Impact Assessment forms completed by staff.

The document can be in any format but should contain information about the type of data held, why it is held, who it is shared with and any anticipated risks.

Data Asset Audit Document (Example)

Description of service	Type of data	Reason to hold data	Where is data stored?	Is the data shared with anyone?	Risks
SIMs Data	Personal and Sensitive Data	Statutory Duties Education Act	Server	DfE LA MAT	Lost passwords Inappropriate viewing Printouts Exchange agreement with Somerset LA Careful positioning of monitors
Moodle	Potential sensitive data e.g. grades and performance	Learning tool	In the cloud by MoodleAnywhere. Held in London and Bristol. Contract checked	Parents	Lost passwords Inappropriate viewing
ClassDojo	Name and behaviour information	Tool to assist with behaviour management	In the cloud by Class Dojo		Not in EEA? Display on whiteboard

This template document can be found at:

<https://slp.somerset.org.uk/sites/edtech/Data%20Protection/Data%20Protection/Data%20Protection%20Pack/eLIM%20-%20Data%20Asset%20Audit.docx>

Appendix D – Staff Privacy Impact Assessment Form

Before the use of any new service that uses personal data, staff should fill in a Privacy Impact Assessment Form.

The Senior Leaders and/or the DPL, with advice from the DPO will then approve the use and the information be placed on the Data Asset Audit.

Privacy Impact Assessment Form

Privacy Impact Assessment (PIA) for:

Name of Service/Software/App

Data Protection Principles

- processing to be lawful and fair
- purposes of processing be specified, explicit and legitimate
- adequate, relevant and not excessive
- accurate and kept up to date
- kept for no longer than is necessary
- processed in a secure manner

Why we need a Privacy Impact Assessment – screening questions?

We need to complete this form because:

- the use involves the collection of new information about individuals;
- the use compels individuals to provide information about themselves;
- the information about individuals will be disclosed to organizations or people who have not previously had routine access to the information;
- we are using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?
- we are using new technology that might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition;
- the use results in you making decisions or acting against individuals in ways that can have a significant impact on them;
- the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be private;
- the use requires you to contact individuals in ways that they may find intrusive.

Describe the service			
Describe the data collected and the possible uses of the data			
List of data held		Collection of data	
		Possible uses	
Identify the privacy, related risks and possible solutions To be discussed with the Data Protection Lead			
Privacy issue	Risk to individuals	DPA Risks	Possible Solutions
1.	•	•	•
2.	•	•	•
3.	•	•	•
4.	•	•	•
5.	•	•	•
6.	•	•	•
Sign off and notes			
Comments on risks		Processes that must be in place	
Contact point for future privacy concerns			
Data Protection Officer:			
Data Protection Lead:			
Date completed:			

This template document can be found at:

<https://slp.somerset.org.uk/sites/edtech/Data%20Protection/Data%20Protection/Data%20Protection%20Pack/PIA%20-%20Privacy%20Impact%20Assessments/eLIM%20-%20PIA%20blank.docx>

Appendix E – Process for dealing with Subject Access Requests

On receiving a Subject Access Request or request for change or deletion of data the DPO or school will:

- inform the DPL in the school (and the Head teacher if necessary);
- record the details of the request, updating this record where necessary (see next page);
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- contact the DPO if clarity on the request is needed or procedure is needed;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no 'bleeding' of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than **30 calendar days**, which can be extended by a further 2 months where the request is complex or where there are numerous requests.

Please note the time for processing a request for an Educational Record is **15 days**.

The Subjects Access Requests are held in the School Office.

Subject Access Request Record

Name of data subject: _____

Name of person who made request: _____

Date request received: _____ / _____ / _____

Contact DPO (dposchools@somerset.gov.uk) : _____ / _____ / _____

Date acknowledgement sent: _____ / _____ / _____

Name of person dealing with request: _____

	Notes (Overwrite the statements in grey)
Are they entitled to the data?	If no reply stating reasons and/or ask for proof
Do you understand what data they are asking for?	If no, ask requestor for clarity
Identify the data	What data sources, where they are kept
Collect the data required	You may need to ask others – state a deadline in your request.
Do you own all the data?	If no, ask third parties to release external data. If data is supplied by another agency such as Psychology Service, you do not own the data.
Do you need to exempt/redact data?	If exempting/redacting be clear of your reasons Document name, data exempted/redacted, why.
Is the data going to be ready in time?	Record delays and reasons. Communicate with requestor stating reason for delay and asking if they would like the data you have collected so far.
Create pack	Make sure that the data is in an easy to access format: paper, word, excel etc.
Inform requestor you have the data	Ask them how they would like it delivered
Deliver data	Ask for confirmation/special delivery?

At all stages, your DPO or DPL will be able to provide you with advice.

Date request completed:
(within 30 days of request) _____ / _____ / _____

Signed off by: _____

This template document can be found at:

<https://slp.somerset.org.uk/sites/edtech/Data%20Protection/Data%20Protection/Data%20Protection%20Pack/eLIM%20-%20SAR%20record.docx>

Appendix F – Process for dealing with FoI Requests

On receiving a Freedom of Information Request, which must be made in writing, the DPO or the school will:

- inform the DPL in the school (and the Head teacher if necessary);
- record the details of the request, updating this record where necessary (see next page);
- reply to the requestor informing receipt of the request asking for clarity if there is confusion about which data is required;
- decide that if the material is already published or falls within an exemption;
- contact the DPO if clarity on the request is needed or procedure is needed;
- if data is not going to be published inform the requestor why this is not being released;
- identify the people responsible for gathering the necessary data;
- gather the data indicating a deadline;
- examine the data for redactions making sure there is no 'bleeding' of data;
- ask the requestor for an address and time for delivery.

The whole process should take no longer than **20 working days**.

The Freedom of Information requests are held in the School Office.

Freedom of Information Request Record

Name of person who made request: _____

Date request received: ____/____/____

Contact DPO (dposchools@somerset.gov.uk) : ____/____/____

Date acknowledgement sent: ____/____/____

Name of person dealing with request: _____

	Notes (Overwrite the statements in grey)
Are they entitled to the data?	If no reply stating reasons
Do you understand what data they are asking for?	If no, ask requestor for clarity
Identify the data	What data sources, where they are kept
Collect the data required	You may need to ask others – state a deadline in your request.
Do you own all the data?	If no, then refer them to the correct agency
Do you need to exempt/redact data?	Could the data identify individuals Are any of the answers less than 5 people – use '5 or less including zero)? Are their commercial sensibilities?
Is the data going to be ready in time?	Record delays and reasons. Communicate with requestor stating reason for delay and asking if they would like the data you have collected so far.
Create pack	Make sure that the data is in an easy to access format: paper, word, excel etc.
Inform requestor you have the data	Ask them how they would like it delivered
Deliver data	Ask for confirmation/special delivery?

At all stages, your DPO or DPL will be able to provide you with advice.

Date request completed: ____/____/____
(within 20 days of request)

Signed off by: _____

This template document can be found at:

<https://slp.somerset.org.uk/sites/edtech/Data%20Protection/Data%20Protection/Data%20Protection%20Pack/eLIM%20-%20Fol%20record.docx>

Appendix G – Data Breach

Every Data Protection Breach should be recorded. The process that should be followed is listed below:

- inform the DPL in the school (and the Head teacher if necessary);
- record the details of the breach providing these details:
 - a description of the nature of the personal data breach including, where possible:
 - the categories and approximate number of individuals concerned; and
 - the categories and approximate number of personal data records concerned;
 - the name and contact details of the data protection officer (if your organisation has one) or other contact point where more information can be obtained;
 - a description of the likely consequences of the personal data breach; and
 - a description of the measures taken, or proposed to be taken, to deal with the personal data breach, including, where appropriate, the measures taken to mitigate any possible adverse effects.
- contact the DPO if clarity on reporting the breach is needed and if necessary report to the ICO;
 - either by phoning 0303123 1113
 - By filling in the form at:
<https://ico.org.uk/media/for-organisations/documents/2258298/personal-data-breach-report-form-web-dpa-2018.doc>
and sending it to casework@ico.org.uk
- Updating this record where necessary (see next page);
- identify the people whose data is accidentally released, inform them of the breach and the processes taken to rectify the situation;
- review why the breach took place and if future similar events can be avoided.

The Data Protection Breach records requests are held in the School Office.

Data Breach Record

Date: / /	Person responsible for dealing with breach				
Outline of breach					
Which data subjects are involved					
Data type involved					
Reported by					
Phone/email sent to DPO dposchools@somerset.gov.uk	y/n	Is this high risk?	y/n	Report to ICO	y/n
Date reported to data subjects					
Actions taken					
Preventative action suggestions – including training					
Notes					
Actions approved by		Date	/ /		

This template document can be found at:

<https://slp.somerset.org.uk/sites/edtech/Data%20Protection/Data%20Protection/Data%20Protection%20Pack/eLIM%20-%20Data%20Breach%20Record.docx>