



**NEWCOMEN  
PRIMARY  
SCHOOL**



**'BELIEVE ACHIEVE SUCCEED'**

## **DATA PROTECTION POLICY**

**Headteacher:** \_\_\_\_\_

**Date:**

Written By	L Gardner & A Mackenzie
Date	September 2022
Review Date	September 2024

## **1.0 Introduction**

- 1.1 Newcomen Primary School's Data Protection Policy has been produced to ensure compliance with the Data Protection Act 2018 (DPA), GDPR and associated legislation, and it incorporates guidance from the Information Commissioner's Office (ICO).
- 1.2 The DPA gives individuals rights over their personal data and protects individuals from the erroneous use of their personal data.
- 1.3 Newcomen Primary School is registered with the ICO as a Data Controller for the processing of living individuals' personal information.

## **2.0 Purpose**

- 2.1 Newcomen Primary School's Data Protection Policy has been produced to ensure its compliance with the DPA 2018.
- 2.2 The Policy incorporates guidance from the ICO, and outlines the School's overall approach to its responsibilities and individuals' rights under the DPA 2018.

## **3.0 Scope**

- 3.1 This Policy applies to all employees (including temporary, casual or agency staff, volunteers and contractors, consultants and suppliers working for, or on behalf of, the School), third parties and others who may process personal information on behalf of Newcomen Primary School.
- 3.2 The Policy also covers any staff and pupils who may be involved in research or other activity that requires them to process or have access to personal data, for instance as part of a research project or as part of professional practice activities. If this occurs, it is the responsibility of the relevant school to ensure the data is processed in accordance with the DPA 2018 and that students and staff are advised about their responsibilities. In addition, the activity should be referred to the Research Ethics Committee.

## **4.0 Data covered by the Policy**

- 4.1 A detailed description of this definition is available from the ICO. However, personal data is information relating to an individual where the structure of the data allows the information to be accessed i.e. as part of a relevant filing system. This includes data held manually and electronically and data compiled, stored or otherwise processed by Newcomen Primary School, or by a third party on its behalf.
- 4.2 Sensitive personal data is personal data consisting of information relating to:

- Racial or ethnic origin
- Political opinions, religious beliefs or other beliefs of a similar nature
- Membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- Physical or mental health or condition
- Sexual life
- Commission or alleged commission of any offence
- Any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings.

## **5.0 The Eight Data Protection Principles**

5.1 The DPA 2018 requires Newcomen Primary School, its staff and others who process or use any personal information must comply with the eight data protection principles.

5.2 The principles require that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be adequate, relevant and not excessive for those purposes
- Be accurate and kept up-to-date
- Not be kept for longer than is necessary for those purposes
- Be processed in accordance with the data subject's rights
- Be kept safe from unauthorised or unlawful processing and against accidental loss, destruction or damage
- Not be transferred to a country or territory outside the European Economic Area (unless that country has equivalent levels of protection for personal data)

## **6.0 Responsibilities**

6.1 Newcomen Primary School has an appointed Data Protection Officer to handle day-to-day issues which arise and to provide members of the school with guidance on Data Protection issues to ensure they are aware of their obligations.

6.2 All new members of staff as part of their induction will be required to undertake GDPR awareness compliance training.

6.3 All staff to undertake refresher training as part of their annual safeguarding programme in September.

6.4 Employees of Newcomen Primary School are expected to:

- Familiarise themselves and comply with the eight data protection principles
- Ensure any possession of personal data is accurate and up-to-date
- Ensure their own personal information is accurate and up-to-date
- Keep personal data for no longer than is necessary
- Ensure that any personal data they process is secure and in compliance with the school's information related policies and strategies
- Acknowledge data subjects' rights (e.g. right of access to all their personal data held by the Newcomen Primary School) under the DPA 2018, and comply with access to records
- Ensure personal data is only used for those specified purposes and is not unlawfully used for any other business that does not concern the School
- Obtain consent with collecting, sharing or disclosing personal data
- Contact the Data Protection Lead (Lisa Gardner) for any concerns or doubt relating to data protection to avoid any infringements of the DPA 2018.

6.5 Pupils of the School are expected to:

- Comply with the eight data protection principles
- Comply with any security procedures implemented by the School

## **7.0 Obtaining, Disclosing and Sharing**

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

7.2 Parents are informed about how their child's data will be processed when they agree to the Data Processing Consent Notice upon registration.

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

7.4 Data must be collected and stored in a secure manner.

7.5 Personal information must not be disclosed to a third party organisation without prior consent of the individual concerned. This also includes information that would confirm whether or not an individual is or has been an applicant, student or employee of Newcomen Primary School.

7.6 Newcomen Primary School may have a duty to disclose personal information in order to comply with legal or statutory obligation. The DPA 2018 allows the disclosure of personal data to authorised bodies, such as the police and other organisations that have a crime prevention or law enforcement function. Any requests to disclose personal data for reasons relating to national security,

crime and taxation should be directed to the Data Protection Lead (Lisa Gardner) in the first instance.

- 7.7 Personal information that is shared with third parties on a more regular basis shall be carried out under written agreement to stipulate the boundaries of sharing. For circumstances where personal information would need to be shared in the case of ad hoc arrangements, sharing shall be undertaken in compliance with the DPA 2018.

## **8.0 Retention, Security and Disposal**

- 8.1 Recipients responsible for the processing and management of personal data need to ensure that the data is accurate and up-to-date. If an employee, pupil or applicant is dissatisfied with the accuracy of their personal data, they must inform Data Protection Lead (Lisa Gardner) in the first instance.
- 8.2 Personal information held in paper and electronic format shall not be retained for longer than is necessary. In accordance with principle 2 and principle 4 of the DPA 2018, personal information shall be collected and retained only for business, regulatory or legal purposes.
- 8.3 In accordance with the provisions of the DPA 2018, all staff whose work involves processing personal data, whether in electronic or paper format, must take personal responsibility for its secure storage and ensure appropriate measures are in place to prevent accidental loss or destruction of, or damage to, personal data.
- 8.4 In accordance with Newcomen Primary School's flexible working arrangements, staff working from home will be responsible for ensuring that personal data is stored securely and is not accessible to others.
- 8.5 All departments should ensure that data is destroyed in accordance with the Retention Schedule when it is no longer required.
- 8.6 Personal data in paper format must be shredded or placed in the confidential waste bins provided. Personal data in electronic format should be deleted, and CDs and pen drives that hold personal data passed to your IT provider for safe disposal. Hardware should be appropriately destroyed in compliance with your IT service provider's contractual obligations in line with the DPA 2018.

## **9.0 Transferring Personal Data**

- 9.1 Any transfer of personal data must be done securely in line with Newcomen Primary School's Information Security Policy.
- 9.2 Email communication is not always secure and sending personal data via external email should be avoided unless it is encrypted with a password provided to the recipient by separate means such as via telephone.

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

## **10.0 Data Subject's Right of Access (Subject Access Requests)**

- 10.1 Under the DPA 2018, individuals (both staff and pupils) have the right of access to their personal data held by the School. This applies to data held in both paper and electronic format and within a relevant filing system.
- 10.2 Newcomen Primary School shall use its discretion under the DPA 2018 to encourage informal access at a local level to a data subject's personal information but it will also have a formal procedure for the processing of Subject Access Requests.
- 10.3 Any individual who wishes to exercise this right should make the request through submitting a Subject Access Request Form (Appendix 1). This is available on the school's website at [newcomenprimary.co.uk](http://newcomenprimary.co.uk) or by contacting the Data Protection Lead (Lisa Gardner).
- 10.4 Newcomen Primary School will not charge a fee. It will only release any information upon receipt of the completed Subject Access Request Form, along with proof of identity or proof of authorisation where requests are made on the behalf of a data subject by a third party. The requested information will be provided within the statutory timescale of 1 month from receipt of the completed form.

## **11.0 Reporting a Data Security Breach**

- 11.1 It is important the School responds to a data security breach quickly and effectively. A breach may arise from a theft, a deliberate attack on school systems, unauthorised use of personal data, accidental loss or equipment failure. Any data breach should be reported to the Data Protection Officer c/o Newcomen Primary School, Trent Road, Redcar, TS10 1NL and if it relates to an IT incident (including information security), should also be reported to the Headteacher and in certain circumstances to your IT provider – please refer to the Data Breach Policy for more information.
- 11.2 Any breach will be investigated in line with the procedures within the Data Breach Policy. In accordance with that Policy, Newcomen Primary School will treat any breach as a serious issue. Each incident will be investigated and judged on its individual circumstances and addressed accordingly.



**NEWCOMEN PRIMARY SCHOOL**  
**SUBJECT ACCESS REQUEST**

Dear Data Protection Officer  
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Date:

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

Name	
Relationship with the school	Please select: Pupil / parent / employee / governor / volunteer  Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: <i>Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:</i> <ul style="list-style-type: none"> <li>• <i>Your personnel file</i></li> <li>• <i>Your child's medical records</i></li> <li>• <i>Your child's behavior record, held by [insert class teacher]</i></li> </ul>

If you need any more information from me, please let me know as soon as possible.

Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, must supply me with the information within 1 month.

Yours sincerely,

*Name*