



### **Data Protection & Security Policy**

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## 1. Aims

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

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

## 2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#) and the ICO's [code of practice for subject access requests](#).

It meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data.

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

## 3. Definitions

Term	Definition
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<b>Special categories of personal data</b>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious or philosophical beliefs</li><li>• Trade union membership</li><li>• Genetics</li><li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li><li>• Health – physical or mental</li><li>• Sex life or sexual orientation</li></ul>

<b>Processing</b>	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.  Processing can be automated or manual.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

## 4. The data controller

Our school processes personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

## 5. Roles and responsibilities

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

### 5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

### 5.2 Data protection officer

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

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

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

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

Our DPO is Alex Pettit and is contactable via [dpo@nobel.herts.sch.uk](mailto:dpo@nobel.herts.sch.uk).

### 5.3 Headteacher

The headteacher acts as the representative of the data controller but delegates this responsibility to the School Business Manager on a day-to-day basis

### 5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
  - If they have any concerns that this policy is not being followed
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
  - If there has been a data breach
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
  - If they need help with any contracts or sharing personal data with third parties

## 6. Data protection principles

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

The principles say that personal data must be:

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

This policy sets out how the school aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

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

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

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

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the pupil is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

## **7.2 Limitation, minimisation and accuracy**

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

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the school's [Information and Records Management Society's toolkit for schools](#).

## **8. Sharing personal data**

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

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

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

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

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

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

## **9. Subject access requests and other rights of individuals**

### **9.1 Subject access requests**

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

- Confirmation that their personal data is being processed

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

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

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

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

## **9.2 Children and subject access requests**

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

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

## **9.3 Responding to subject access requests**

When responding to requests, we:

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

We will not disclose information if it:

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

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

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

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

## **9.4 Other data protection rights of the individual**

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

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

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

## 10. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

## 11. Biometric recognition systems

*Note that in the context of the Protection of Freedoms Act 2012, a "child" means a person under the age of 18.*

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, our pupils use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers are notified before their child's fingerprints are collected as the school requires written consent from at least one parent or carer before we take any biometric data from their child, and before we process it.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils. For example, pupils can either use a card to pay for school dinners or will be issued with a pin number.

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

## 12. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV.



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

Any enquiries about the CCTV system should be directed to [the ICT Network Manager](#).

### 13. Photographs and videos

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

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

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

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

### 14. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

### 15. Data security and storage of records

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

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Staff passwords that are at least 8 characters long and complex (ie mixture of lower and uppercase letters, numbers and symbols) are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- All staff must password protect any personal data that is taken off site on laptops and other personal devices. A strong password must be in place.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our [ICT acceptable use agreement](#))
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

## 16. Disposal of records

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

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

## 17. Personal data breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

## 18. Training

All staff and governors are provided with data protection training as part of their induction process.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

## 19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed **every 2 years** and shared with the full governing board.

## **20. Links with other policies**

This data protection policy is linked to our:

- Freedom of information publication scheme
- Acceptable Use Policy
- Privacy Policies (see Appendix 2)

## Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the DPO
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- The DPO will alert the headteacher and the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss
  - Unauthorised reversal of pseudonymisation (for example, key-coding)
  - Damage to reputation
  - Loss of confidentiality
  - Any other significant economic or social disadvantage to the individual(s) concerned

If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.

- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored at [www.gdpr.co.uk](http://www.gdpr.co.uk).
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#) within 72 hours. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible

- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

Records of all breaches will be stored [www.gdpr.co.uk](http://www.gdpr.co.uk)

- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

### **Actions to minimise the impact of data breaches**

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

#### ***Sensitive information being disclosed via email (including safeguarding records)***

- *If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error*
- *Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error*
- *If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the ICT department to recall it*
- *In any cases where the recall is unsuccessful, the DPO will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way*
- *The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request*
- *The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted*

*Other types of breach that may occur are set out below:*

- *Details of pupil premium interventions for named children being published on the school website – the details would be removed from the website immediately*
- *Non-anonymised pupil exam results or staff pay information being shared with governors – the email or paper copies would be recalled immediately. In any cases where the recall is unsuccessful, the DPO will contact the relevant individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way. The DPO will ensure we receive a written response from all the individuals who received the data, confirming that they have complied with this request.*
- *A school laptop containing non-encrypted sensitive personal data being stolen or hacked – this loss would be reported to the police.*
- *The school's cashless payment provider being hacked and parents' financial details stolen – the system could be suspended until the issue is dealt with.*

## Appendix 2: Privacy Notices

### PRIVACY NOTICE FOR GOVERNORS/TRUSTEES

The Nobel School is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you before, during and after your relationship with us as a governor, in accordance with the General Data Protection Regulation (GDPR).

The Nobel School is a maintained secondary school which is a Foundation school.

The Data Protection Officer is: **Alex Pettit (dpo@nobel.herts.sch.uk)**

The Nobel School is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

### DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

Used lawfully, fairly and in a transparent way.

Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.

Relevant to the purposes we have told you about and limited only to those purposes.

Accurate and kept up to date.

Kept only as long as necessary for the purposes we have told you about.

Kept securely.

## **THE TYPE OF INFORMATION WE HOLD ABOUT YOU**

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Occupation
- Start date
- Skills and experience
- Information acquired as part of your application to become a governor / trustee (including copies of identity checks (including, where Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, and disqualification checks, information about bankruptcy, references and other information included in a CV, application form or cover letter or as part of the application process)
- Information about pecuniary or business held by you or your family members
- Information about other posts held by you
- Information about your conduct
- CCTV footage and other information obtained through electronic means such as swipecard records
- Information about your use of our information and communications systems
- Photographs

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Information about your health, including any medical condition
- Information about your criminal records, fines and other similar judicial records

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about governors through the application and recruitment process, either directly from individuals or sometimes from an external organisation such as SGOSS or the Local Authority.

We will also collect additional personal information in the course of governor activities throughout the term of your appointment.

## **HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- (a) Where we need to comply with a legal obligation
- (b) Where we need to protect your interests (or someone else's interests)
- (c) Where it is needed in the public interest or for official purposes
- (d) Where we have your consent.

## **Situations in which we will use your personal information**

The situations in which we will process your personal information are listed below.

- Making a decision about whether to appoint you as a governor
- Dealing with any processes for the election of governors
- Checking your suitability to be a governor
- Complying with our general safeguarding obligations
- Providing information on our website about our governors
- Providing information on any online databases to set out our governance arrangements
- Communicating with stakeholders about the school
- Delivering the school's services to our community, and to carry out any other voluntary or charitable activities for the benefit of the public as provided for in our constitution and statutory framework
- Business management, administrative and planning purposes, including accounting and auditing
- Financial information such as expenses claimed
- Responding to complaints or investigations from stakeholders or our regulators
- Sending you communications connected with your role as a governor
- Making decisions about your continued appointment as a governor
- Making arrangements for the termination of your appointment



- Education, training and development requirements
- For the purposes of carrying out governance reviews
- Dealing with legal disputes involving you or other stakeholders
- Complying with health and safety obligations
- For the purposes of keeping records about governor decision-making processes, including copies of minutes, reports and other documentation
- Where you sit on a committee or a panel on a school matter we may process your name, opinions, comments and decisions attributed to you, for example, if you sit on a panel for the purposes of considering a complaint, exclusion or HR issue
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To maintain and promote equality
- To receive advice from external advisors and consultants
- In appropriate circumstances to liaise with regulatory bodies, the Department for Education, the DBS and the Local Authority about your suitability to be a governor in connection with other regulatory matters

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving governors / trustees will only be processed to the extent that it is lawful to do so. Please see our Data Protection policy for more details.

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations (such as to discharge our safeguarding obligations) or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason

is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- (a) In limited circumstances, with your explicit written consent.
- (b) Where we need to carry out our legal obligations and in line with our data protection policy
- (c) Where it is needed in the public interest and in line with our data protection policy.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public.

## **Our obligations**

We will use your particularly sensitive personal information in the following ways:

- We will hold information relating to sickness-related absence from your governor commitments.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety and to provide appropriate adjustments to comply with the Equality Act 2010.

## **Do we need your consent?**

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, where we respect the essence of the right to data protection and where we provide for suitable and specific measures to safeguard your fundamental rights.

In limited circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our appointment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your time as a governor / trustee.

## **AUTOMATED DECISION-MAKING**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- (a) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- (b) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **DATA SHARING**

We may have to share your data with third parties, including third-party service providers and other organisations.

In particular, we may share your data with organisations including, but not limited to, the following:

- the Local Authority
- the Department for Education
- [the Education & Skills Funding Agency]
- the Disclosure and Barring Service

- our HR provider, for example, if you are involved in considering a disciplinary matter
- the Police or other law enforcement agencies
- our legal advisors / other external consultants
- insurance providers / the Risk Protection Arrangement

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might we share your personal information with third parties?**

We will share your personal information with third parties where required by law, where it is needed in the public interest or for official purposes or where we have your consent.

### **Which third-party service providers process your personal information?**

“Third parties” includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: some IT services

### **How secure is your information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of the possible academy conversion resulting in a merger with a Multi Academy Trust. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data subject access request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

### **Transferring information outside the EU**

Should we find it necessary to transfer the personal information we collect about you to the following to countries outside the EU in order to perform our contract with you, the privacy notice will be updated.

However, to ensure that your personal information does receive an adequate level of protection we will put in place the appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:

We may sometimes transfer your personal data outside of the EU if, for example, we are arranging a school trip and we are booking transport, accommodation or activities. In these circumstances, we will obtain your consent for us to process your data in this way.

## **DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available on Moodle.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Network Manager, the MIS Manager or the School Business Manager.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **DATA RETENTION**

### **How long will we use your information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. We follow the guidance given in the IRMS Schools Toolkit <http://irms.org.uk/page/SchoolsToolkit>

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a governor of the school we will retain and securely destroy your personal in accordance with IRMS Schools Toolkit.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your appointment as a trustee / governor.

## **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the HR Officer in writing.

The legal timescales for the school / trust to respond to a Subject Access Request is one calendar month. As the school / trust has limited staff resources outside of term time, we encourage you to submit any Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. [For further information about how we handle Subject Access Requests, please see our Data Protection Policy].

## **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

## **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

## **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the HR Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **DATA PROTECTION OFFICER**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO (see above for details). You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the School Business Manager at [sbm@nobel.herts.sch.uk](mailto:sbm@nobel.herts.sch.uk)**

I, \_\_\_\_\_ (governor / trustee name), acknowledge that on \_\_\_\_\_ (date), I received a copy of the Nobel School's Privacy Notice for [governors / trustees] and that I have read and understood it.

Signature

.....

Name

# **PRIVACY NOTICE FOR HIRERS/MEMBERS USING THE LEISURE FACILITIES AT THE NOBEL SCHOOL**

## **Privacy policy**

The Nobel School is a secondary Foundation school which lets its facilities to the community in the evenings at weekends and during the school holidays.

This policy was made in light of the requirements set out by the General Data Protection Regulations (GDPR) 2018 in order to explain our data processing practices. It explains the basis on which we will process any personal data we collect from you, or that you provide to us.

## **Topics:**

- Who do we collect data from?
- What information do we collect about you?
- How will we use the information about you?
- Who has access to the information we hold about you?
- Marketing
- Access to your information and correction
- Cookies
- Other websites
- Changes to our privacy policy
- Security precautions
- How to contact us

## **Who do we collect data from?**

We collect and process data from a range of individuals, including those that have become a member at one of our centres, We may also collect information when you voluntarily complete customer surveys, provide feedback and participate in competitions.

## **What information do we collect about you?**

When joining our fitness suite as a member or booking an activity, we collect and process first name, last name, date of birth, postal address and bank details under the lawful processing of contract. We do not store your bank details on our web servers. This information is required to process your membership or book your activity with us. We also collect and process email address, telephone number and associated club under the lawful processing of legitimate interest.

We also collect information about your health and fitness goals, interests, any relevant medical information and an emergency contact when taking out a membership. This is to ensure your health and safety when using our facilities and is also processed under the lawful processing of legitimate interest.

We also collect data on what facilities you use in in any of our school.

## **How will we use the information about you?**

The information collected when you join as a member of the fitness suite or book an activity is required to ensure you get the most benefit from our services. The data will be used to set up, verify and manage your membership/activity, and to create tailor-made programmes for you if you require them. It is also used to verify what activities you have undertaken.

We collect data on the facilities you have used to keep you updated by text, email and/or phone on relevant matters such as class cancellations, membership terms or bookings changes, booking confirmations, and important updates regarding the centre and changes to your membership.

We may also contact you via email, telephone, text and/or post about our availability and any other services we think may be of interest to you. You will have the option to opt-in to these when you initially provide data to us or when we



collect data from you, and can opt out or update your preferences at any time by contacting [nobelvenues@nobel.herts.sch.uk](mailto:nobelvenues@nobel.herts.sch.uk)

If you have used our facilities, we will keep your data for a period of 13 months after your last activity or your membership/booking has ended. After this, your data will be archived for seven years and then securely disposed of.

You can update your preferences or request for your data to be removed at any time by contacting the Lettings Co-ordinator at [nobelvenues@nobel.herts.sch.uk](mailto:nobelvenues@nobel.herts.sch.uk)

## WHO HAS ACCESS TO YOUR INFORMATION?

We will never share your personal data with anyone outside of our organisation.

Your data is only viewable by the Nobel School authorised staff and will not be passed on to any further third parties except where legally necessary.

## Marketing

We will not send any marketing material on behalf of third parties and we do not share your information with 3<sup>rd</sup> parties.

## Access to your information and correction

You have the right to request a copy of the information that we hold about you. If you would like a copy of some or all of your personal information, please email [dpo@nobel.herts.sch.uk](mailto:dpo@nobel.herts.sch.uk)

Please be aware we do require an identification process before sending out any information. We will supply the data within one month.

We want to make sure that your personal information is accurate and up to date. You may also get in contact to ask us to correct or remove information you think is inaccurate, or to update your communication preferences. You may do this by contacting [dpo@nobel.herts.sch.uk](mailto:dpo@nobel.herts.sch.uk)

You have the right to complain to the Information Commissioner's Office (ICO) if you believe there is a problem with the way we are handling your information.

## Changes to our privacy policy

We keep our privacy policy under regular review and we will place any updates on this page. This privacy policy was last updated on 10 May 2018, in-line with GDPR.

## Security precautions

We are committed to ensuring the protection of your personal information. Your details are kept in a password protected file which is only accessed by authorised personnel. Any paper copies are kept in a lockable cupboard in a room which is locked when empty.

## How to contact us

Please contact us if you have any questions about this privacy policy or information we hold about you, please contact the Data Protection Officer at [dpo@nobel.herts.sch.uk](mailto:dpo@nobel.herts.sch.uk)

# **PRIVACY NOTICE FOR PARENTS / CARERS OF PUPILS ATTENDING THE NOBEL SCHOOL**

The Nobel School collects data and information about parents / carers of our pupils so that we can operate effectively as a school. This privacy notice explains how and why we collect parent / carer data, what we do with it and what rights parents have.

The term “parent” is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several “parents” for the purposes of education law. This privacy notice also covers other members of pupils’ families who we may process data about from time to time, including, for example, siblings, aunts and uncles and grandparents.

## **Privacy Notice (How we use parent / carer information)**

The Nobel School is a maintained secondary school which is a foundation school.

The Data Protection Officer is: **Alex Pettit** ([dpo@nobel.herts.sch.uk](mailto:dpo@nobel.herts.sch.uk)).

## **Why do we collect and use parent / carer information?**

We collect and use parent / carer information under the following lawful bases:

- a. where we have the consent of the data subject (Article 6 (a));
- b. where it is necessary for compliance with a legal obligation (Article 6 (c));
- c. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- d. where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6 (e)).

Where the personal data we collect about parents / carers is sensitive personal data, we will only process it where:

- a. we have explicit consent;
- b. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- c. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, where

we respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the parent / carer data to support our functions of running a school, in particular:

- a. to decide who to admit to the school;
- b. [to maintain a waiting list];
- c. to support pupil learning;
- d. to monitor and report on pupil progress;
- e. to provide appropriate pastoral care;
- f. to assess the quality of our services;
- g. to comply with the law regarding data sharing;
- h. for the protection and welfare of pupils and others in the school, including our safeguarding / child protection obligations;
- i. for the safe and orderly running of the school;
- j. to promote the school;
- k. to send you communications that may be of interest to you which may include information about school events or activities, news, campaigns, appeals, other fundraising activities;
- l. in order to respond to investigations from our regulators or to respond to complaints raised by our stakeholders;
- m. in connection with any legal proceedings threatened or commenced against the school.

**The categories of parent / carer information that we collect, hold and share include:**

- a. Personal information (such as name, address, telephone number and email address);
- b. Information relating to your identity, marital status, employment status, religion, ethnicity, language, medical conditions, nationality, country of birth and free school meal / pupil premium eligibility / entitlement to certain benefits, information about court orders in place affecting parenting arrangements for pupils);

From time to time and in certain circumstances, we might also process personal data about parents / carers, some of which might be sensitive personal data, information about criminal proceedings / convictions or information about child protection / safeguarding. This information is not routinely collected about parents / carers and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a parent / carer is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about parents / carers before pupils join the school and update it during pupils' time on the roll as and when new information is acquired.

## **Collecting parent / carer information**

Whilst the majority of information about parents / carers provided 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 parent / carer information to us or if you have a choice in this. Where appropriate, we will ask parents / carers for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to ask your permission to use your information for marketing purposes or to request voluntary contributions. Parents / carers may withdraw consent given in these circumstances at any time.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving parents / carers will only be processed to the extent that it is lawful to do so. Please see our Data Protection policy for more details.

## **Storing parent / carer data**

A significant amount of personal data is stored electronically, for example, on our database, SIMS. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a cloud based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements. As a school we follow the guidance given in the IRMS Schools Toolkit <http://irms.org.uk/page/SchoolsToolkit>.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer a parent / carer we will retain and securely destroy your personal information in accordance applicable laws and regulations.

## **Who do we share parent / carer information with?**

We routinely share parent / carer information with:

- schools that pupils attend after leaving us;
- 3<sup>rd</sup> party suppliers, for communication and reports (ie school gateway)

From time to time, we may also share parent / carer information other third parties including the following:

- our local authority Hertfordshire;
- a pupil's home local authority (if different);
- the Department for Education (DfE);
- school governors / trustees;
- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the Teaching Regulation Authority;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- UCAS
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

In the event that we share personal data about parents / carers with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

### **Requesting access to your personal data**

Under data protection legislation, parents / carers have the right to request access to information about them that we hold ("Subject Access Request"). To make a request for your child's personal data, or be given access to your child's educational record, contact [setting to include details of their administrator / Data Protection Officer] although any written request for personal data will be treated as a Subject Access Request.

The legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / carers to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

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 our data protection responsibilities.

### **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Head's PA. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **DATA PROTECTION OFFICER**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO, **A.Pettit@barnwell.herts.sch.uk**. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

### **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

# PRIVACY NOTICE FOR PUPILS ATTENDING THE NOBEL SCHOOL

Nobel collects a lot of data and information about our pupils so that we can run effectively as a school. This privacy notice explains how and why we collect pupils' data, what we do with it and what rights parents and pupils have.

Privacy Notice (How we use pupil information)

Nobel is a maintained secondary school which is a Foundation school.

The Data Protection Officer for this school is: **Alex Pettit (dpo@nobel.herts.sch.uk)**

## Why do we collect and use pupil information?

We collect and use pupil information under the following lawful bases:

- e. where we have the consent of the data subject (Article 6 (a));
- f. where it is necessary for compliance with a legal obligation (Article 6 (c));
- g. where processing is necessary to protect the vital interests of the data subject or another person (Article 6(d));
- h. where it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (Article 6 (e)).

Where the personal data we collect about pupils is sensitive personal data, we will only process it where:

- d. we have explicit consent;
- e. processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent; and / or
- f. processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

Please see our Data Protection Policy for a definition of sensitive personal data.

We use the pupil data to support our statutory functions of running a school, in particular:

- n. to decide who to admit to the school;

- o. to maintain a waiting list;
- p. to support pupil learning;
- q. to monitor and report on pupil progress;
- r. to provide appropriate pastoral care;
- s. to assess the quality of our services;
- t. to comply with the law regarding data sharing;
- u. for the protection and welfare of pupils and others in the school;
- v. for the safe and orderly running of the school;
- w. to promote the school;
- x. to communicate with parents / carers.

**The categories of pupil information that we collect, hold and share include:**

- c. Personal information (such as name, unique pupil number and address);
- d. Characteristics (such as ethnicity, language, medical conditions, nationality, country of birth and free school meal eligibility);
- e. Attendance information (such as sessions attended, number of absences and absence reasons)
- f. Academic information (such as prior attainment, assessments, exam results, attitudes to learning
- g. Images and CCTV recordings
- h. SEN data
- i. Relevant medical information including medication and allergies
- j. Behaviour information, including detentions and exclusions

From time to time and in certain circumstances, we might also process personal data about pupils, some of which might be sensitive personal data, including information about criminal proceedings / convictions, information about sex life and sexual orientation, child protection / safeguarding. This information is not routinely collected about pupils and is only likely to be processed by the school in specific circumstances relating to particular pupils, for example, if a child protection issue arises or if a pupil is involved in a criminal matter. Where appropriate, such information may be shared with external agencies such as the child protection team at the Local Authority, the Local Authority Designated Officer and / or the Police. Such information will only be processed to the extent that it is lawful to do so and appropriate measures will be taken to keep the data secure.

We collect information about pupils when they join the school and update it during their time on the roll as and when new information is acquired.

As the school has a cashless catering system, we also process biometric data about



pupils. Please see our Data Protection Policy for more details about how we process biometric data.

## **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. Where appropriate, we will ask parents / pupils for consent to process personal data where there is no other lawful basis for processing it, for example where we wish to use photos or images of pupils on our website or on social media to promote school activities or if we want to ask your permission to use your information for marketing purposes. Parents / pupils may withdraw consent at any time.

When pupils are deemed to be old enough to make their own decisions in relation to their personal data, we will also ask the pupil for their consent in these circumstances. This will usually be around the age of 13. Although parental consent is unlikely to be needed, we wish to take a collaborative approach so we will keep parents informed when we are approaching pupils for consent up to the age of 18. Pupils with the maturity to make their own decisions about their personal data may withdraw consent if consent has previously been given.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or to investigate other issues. CCTV footage involving pupils will only be processed to the extent that it is lawful to do so. Please see our Data Protection policy for more details.

## **Storing pupil data**

We hold pupil data for as long as is specified within the IRMS Schools Toolkit <http://irms.org.uk/page/SchoolsToolkit>

A significant amount of personal data is stored electronically, for example, on our MIS (Management Information System) database. Some information may also be stored in hard copy format.

Data stored electronically may be saved on a cloud based system which may be hosted in a different country.

Personal data may be transferred to other countries if, for example, we are arranging a school trip to a different country. Appropriate steps will be taken to keep the data secure.

## **Who do we share pupil information with?**

We routinely share pupil information with:

- schools that pupils attend after leaving us;
- our local authority Hertfordshire;
- a pupil's home local authority (if different);

- the Department for Education (DfE);
- school governors / trustees;
- exam boards;
- selected 3<sup>rd</sup> party IT providers such as SAM Learning & School Gateway. (appropriate steps are taken to keep the data secure)

From time to time, we may also share pupil information with other third parties including the following:

- the Police and law enforcement agencies;
- NHS health professionals including the school nurse, educational psychologists,
- Education Welfare Officers;
- Courts, if ordered to do so;
- the National College for Teaching and Learning;
- the Joint Council for Qualifications;
- Prevent teams in accordance with the Prevent Duty on schools;
- other schools, for example, if we are negotiating a managed move and we have your consent to share information in these circumstances;
- our HR providers, for example, if we are seeking HR advice and a pupil is involved in an issue;
- UCAS
- our legal advisors;
- our insurance providers / the Risk Protection Arrangement;

Some of the above organisations may also be Data Controllers in their own right in which case we will be joint controllers of your personal data and may be jointly liable in the event of any data breaches.

In the event that we share personal data about pupils with third parties, we will provide the minimum amount of personal data necessary to fulfil the purpose for which we are required to share the data.

### **Aged 14+ qualifications**

For pupils enrolling for post 14 qualifications, the Learning Records Service will give us a pupil's unique learner number (ULN) and may also give us details about the pupil's [learning or qualifications](#).

### **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law allows 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 section 3 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>.

## **Youth support services**

### **What is different about pupils aged 13+?**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent / guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

### **Our pupils aged 16+**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers;
- youth support services;
- careers advisers.

For more information about services for young people, please visit our [local authority 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 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 pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-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 DfE 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-how-we-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>

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

## **Requesting access to your personal data**

Under data protection legislation, pupils, and in some circumstances, parents, have the right to request access to information about them that we hold ("Subject Access Request"). From the age of 13, we generally regard pupils as having the capacity to exercise their own rights in relation to their personal data. This means that where we consider a pupil to have sufficient maturity to understand their own rights, we will require a Subject Access Request to be made by the pupil and not their parent(s) on their behalf. This does not affect any separate statutory right parents might have to access information about their child.

Subject to the section below, the legal timescales for the School to respond to a Subject Access Request is one calendar month. As the School has limited staff resources outside of term time, we encourage parents / pupils to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. For further information about how we handle Subject Access Requests, please see our Data Protection Policy.

Parents of pupils who attend a maintained school have a separate statutory right to access their child's educational record. Upon receipt of a written request for a pupil's educational record, the School will respond to it within 15 school days. This is an independent legal right of parents which falls outside of the GDPR, therefore a pupil's consent is not required even if a pupil is able to make their own decisions in relation to their personal data unless a court order is in place which states otherwise.

The term "parent" is widely defined in education law to include the natural or adoptive parents (regardless of whether parents are or were married, whether a father is named on a birth certificate or has parental responsibility for the pupil, with whom the pupil lives or whether the pupil has contact with that parent), and also includes non-parents who have parental responsibility for the pupil, or with whom the pupil lives. It is therefore possible for a pupil to have several "parents" for the purposes of education law.

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 our data protection responsibilities.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to 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:

- The Nobel School / the Head's PA / Data Protection Officer

# PRIVACY NOTICE FOR SCHOOL EMPLOYEES FOR THE GDPR

## PRIVACY NOTICE (HOW WE USE EMPLOYEE INFORMATION)

### WHAT IS THE PURPOSE OF THIS DOCUMENT?

The Nobel School is committed to protecting the privacy and security of your personal information.

This privacy notice describes how we collect and use personal information about you before, during and after your working relationship with us, in accordance with the General Data Protection Regulation (GDPR).

It applies to all employees, workers and contractors.

The Nobel School is a maintained secondary school which is a Foundation School.

The Data Protection Officer is: **Alex Pettit (dpo@nobel.herts.sch.uk)**.

The Nobel School is a “data controller”. This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, workers and contractors. This notice does not form part of any contract of employment or other type of contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### DATA PROTECTION PRINCIPLES

We will comply with data protection law. This says that the personal information we hold about you must be:

- (c) Used lawfully, fairly and in a transparent way.
- (d) Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes.
- (e) Relevant to the purposes we have told you about and limited only to those purposes.
- (f) Accurate and kept up to date.
- (g) Kept only as long as necessary for the purposes we have told you about.
- (h) Kept securely.

### THE TYPE OF INFORMATION WE HOLD ABOUT YOU

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

There are “special categories” of more sensitive personal data which require a higher level of protection.

We will collect, store, and use the following categories of personal information about you:

- Personal contact details such as name, title, addresses, telephone numbers, and personal email addresses
- Date of birth
- Gender
- Marital status and dependants
- Next of kin and emergency contact information
- National Insurance number
- Bank account details, payroll records and tax status information
- Salary, annual leave, pension and benefits information
- Teacher Reference Number
- Qualifications and QTS information
- Start date
- Location of employment or workplace
- Copy of driving licence
- Copy of passport (if driving licence is unavailable)
- Recruitment information (including copies of pre-vetting recruitment and identity checks (including, where appropriate, information about your employment history, Standard or Enhanced Disclosure and Barring Service Checks, Barred Lists Checks, prohibition checks [section 128 checks] and disqualification checks, for example under the Childcare (Disqualification) Regulations 2009 and any further checks that are required if you have lived or worked outside the UK), your nationality and right to work documentation, references and other information included in a CV, application form or cover letter or as part of the application process)
- Employment records (including job titles, work history, working hours, training records and professional memberships)
- Compensation history
- Performance information



- Disciplinary and grievance information, including warnings issued to you
- CCTV footage and other information obtained through electronic means such as swipe card records
- Information about your use of our information and communications systems
- Photographs

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Trade union membership
- Information about your health, including any medical condition, health and sickness records, disability and doctor’s contact details
- Information about your criminal record

## **HOW IS YOUR PERSONAL INFORMATION COLLECTED?**

We collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, the Local Authority or other background check agencies.

We will also collect additional personal information in the course of job-related activities throughout the period of you working for us.

## **HOW WE WILL USE INFORMATION ABOUT YOU**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- (i) Where we need to perform the contract we have entered into with you.
- (j) Where we need to comply with a legal obligation.

We may also use your personal information in the following situations:

- (k) Where we need to protect your interests (or someone else’s interests).
- (l) Where it is needed in the public interest or for official purposes.

## **Situations in which we will use your personal information**

We need all the categories of information in the list above primarily to allow us to perform our contract with you[\*], to enable us to comply with legal obligations[\*\*] and/or where it is needed in the public interest or for official purposes [\*\*\*]. The situations in which we will process your personal information are listed below. We have indicated by asterisks the

purpose or purposes for which we are processing or will process your personal information, as well as indicating which categories of data are involved.

- Making a decision about your recruitment or appointment
- Determining the terms on which you work for us
- Checking you are legally entitled to work in the UK
- Checking the award of Qualified Teacher Status, completion of teacher induction and prohibitions, sanctions and restrictions that might prevent the individual from taking part in certain activities or working in specific positions via the Teacher Services Online platform, registering NQTs with the Local Authority
- To maintain our single central record and to comply with our general safeguarding obligations
- To provide information on our website about our employees
- Paying you and, if you are an employee, deducting tax and National Insurance contributions
- Providing the following benefits to you:
  - VDU assessment (Specsavers)
  - CPD
- Liaising with your pension provider
- Administering the contract we have entered into with you
- Business management and planning, including accounting and auditing
- Conducting performance reviews, managing performance and determining performance requirements
- Making decisions about salary reviews and compensation
- Assessing qualifications for a particular job or task, including decisions about promotions
- Gathering evidence for possible grievance or disciplinary hearings
- Responding to complaints or investigations from stakeholders or our regulators
- Making decisions about your continued employment or engagement
- Making arrangements for the termination of our working relationship
- Providing references to prospective employers
- Education, training and development requirements

- Dealing with legal disputes involving you, or other employees, workers and contractors, including accidents at work
- Ascertaining your fitness to work
- Managing sickness absence
- Complying with health and safety obligations
- To prevent fraud
- To monitor your use of our information and communication systems to ensure compliance with our IT policies
- To ensure network and information security, including preventing unauthorised access to our computer and electronic communications systems and preventing malicious software distribution
- To conduct data analytics studies to review and better understand employee retention and attrition rates
- In connection with the Transfer of Undertaking (Protection of Employment) Regulations 2006, for example, if a service is outsourced or in connection with an academy conversion.
- To maintain and promote equality in the workplace
- To receive advice from external advisors and consultants
- In appropriate circumstances to liaise with regulatory bodies, such as the NCTL, the Department for Education, the DBS and the Local Authority about your suitability to work in a school or in connection with other regulatory matters

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

In addition, the School also uses CCTV cameras around the school site for security purposes and for the protection of staff and pupils. CCTV footage may be referred to during the course of disciplinary procedures (for staff or pupils) or investigate other issues. CCTV footage involving staff will only be processed to the extent that it is lawful to do so. Please see our Data Protection Policy for more details.

### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers) or we may be unable to discharge our obligations which may be in the public interest or for official purposes.

### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an

unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **HOW WE USE PARTICULARLY SENSITIVE PERSONAL INFORMATION**

“Special categories” of particularly sensitive personal information require us to ensure higher levels of data protection. We need to have further justification for collecting, storing and using this type of personal information. We may process special categories of personal information in the following circumstances:

- (m) In limited circumstances, with your explicit written consent.
- (n) Where we need to carry out our legal obligations and in line with our data protection policy.
- (o) Where it is needed in the public interest, such as for equal opportunities monitoring [or in relation to our occupational pension scheme], and in line with our data protection policy.
- (p) Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else’s interests) and you are not capable of giving your consent, or where you have already made the information public. We may also process such information about members or former members in the course of legitimate business activities with the appropriate safeguards.

## **Our obligations as an employer**

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leaves of absence including the reasons for the leave, which may include sickness absence or family-related leave, sabbaticals, to comply with employment and other laws.
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to comply with the Equality Act 2010, to monitor and manage sickness absence and to administer benefits.
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- We will use trade union membership information to pay trade union subscriptions, register the status of a protected employee and to comply with employment law obligations.

## **Do we need your consent?**

We do not need your consent if we use your particularly sensitive information in accordance with our written policy where processing is necessary:

- to carry out our legal obligations or exercise specific rights in the field of employment law;
- for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and we provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In other circumstances, we may approach you for your written consent to allow us to process certain particularly sensitive data. If we do so, we will provide you with full details of the information that we would like and the reason we need it, so that you can carefully consider whether you wish to consent. You should be aware that it is not a condition of your contract of employment with us that you agree to any request for consent from us.

## **INFORMATION ABOUT CRIMINAL CONVICTIONS**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where such processing is necessary to carry out our obligations and provided we do so in line with our data protection policy.

Less commonly, we may use information relating to criminal convictions where it is necessary in relation to legal claims, where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

We envisage that we will hold information about criminal convictions, for example, if information about criminal convictions comes to light as a result of our recruitment and Disclosure and Barring Service checks, or if information about criminal convictions comes to light during your employment with us. This is kept in a sealed envelope until we obtain DBS clearance and is only opened if there is an issue with clearance.

We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so. Where appropriate, we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of you working for us. We will use information about criminal convictions and offences in the following ways:

- For safeguarding purposes

We are allowed to use your particularly sensitive personal information in this way to carry out our legal obligations.

## **AUTOMATED DECISION-MAKING**

Automated decision-making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision-making in the following circumstances:

- (q) Where we have notified you of the decision and given you 21 days to request a reconsideration.
- (r) Where it is necessary to meet our obligations under your employment contract and ensure that appropriate measures are in place to safeguard your rights.

- (s) In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

If we make an automated decision on the basis of any particularly sensitive personal information, we must have either your explicit written consent or it must be justified in the public interest, and we must also put in place appropriate measures to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.

## **DATA SHARING**

We may have to share your data with third parties, including third-party service providers and other organisation.

In particular, we may share your data with organisations including, but not limited to, the following:

- the Local Authority
- the Department for Education
- the Education & Skills Funding Agency
- the Disclosure and Barring Service
- the Teaching Regulation Agency
- the Teachers' Pension Service
- the Local Government Pension Scheme which is administered by Hertfordshire County Council.
- our HR provider
- our payroll provider
- Our IT Provider
- HMRC
- the Police or other law enforcement agencies
- Our legal advisors
- insurance providers / the Risk Protection Arrangement
- the Local Authorities Occupational Health Service
- Third party software/sites

We require third parties to respect the security of your data and to treat it in accordance with the law. Some of the organisations referred to above are joint data controllers. This means we are all responsible to you for how we process your data.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

### **Why might we share your personal information with third parties?**

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you, where it is needed in the public interest or for official purposes, or where we have your consent.

### **Which third-party service providers process your personal information?**

“Third parties” includes third-party service providers (including contractors and designated agents). The following activities are carried out by third-party service providers: payroll, pension administration, benefits provision and administration, some IT services.

### **Department for Education**

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 regulation 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 as amended.

### **DfE data collection requirements**

The following is information provided by the DfE concerning the reason it collects data about school employees:

- 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 DfE including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The DfE may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff by:

- conducting research or analysis;
- producing statistics; and / or
- providing information, advice or guidance

The DfE 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; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with the DfE's 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 DfE'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>

### **How secure is your information with third-party service providers?**

All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

### **What about other third parties?**

We may share your personal information with other third parties, for example in the context of a possible academy conversion and consequent merging with a Multi Academy Trust. We may also need to share your personal information with a regulator or to otherwise comply with the law.

From time to time, we may disclose your personal data in response to a request for information pursuant to the Freedom of Information Act 2000 or following a data subject access request. We may approach you for your consent but, in any event, we will only disclose your personal data if we are satisfied that it is reasonable to do so in all the circumstances. This means that we may refuse to disclose some or all of your personal data following receipt of such a request.

### **Transferring information outside the EU**

Should we find it necessary to transfer the personal information we collect about you to the following to countries outside the EU in order to perform our contract with you, the privacy notice will be updated.

However, to ensure that your personal information does receive an adequate level of protection we will put in place the appropriate measures to ensure that your personal information is treated by those third parties in a way that is consistent with and which respects the EU and UK laws on data protection:



We may sometimes transfer your personal data outside of the EU if, for example, we are arranging a school trip and we are booking transport, accommodation or activities. In these circumstances, we will obtain your consent for us to process your data in this way.

## **DATA SECURITY**

We have put in place measures to protect the security of your information. Details of these measures are available on Moodle.

Third parties who are processing personal data on our behalf will only process your personal information on our instructions and where they have agreed to treat the information confidentially and to keep it secure.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality. Details of these measures may be obtained from the Finance & HR Manager.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **DATA RETENTION**

### **How long will we use your information for?**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, insurance or reporting requirements. We follow the guidance given in the IRMS Schools Toolkit <http://irms.org.uk/page/SchoolsToolkit>

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with IRMS Schools Toolkit.

## **RIGHTS OF ACCESS, CORRECTION, ERASURE, AND RESTRICTION**

### **Your duty to inform us of changes**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### **Your rights in connection with personal information**

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (data subject access request). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to another party.

If you want to review, verify, correct or request erasure of your personal information, object to the processing of your personal data, or request that we transfer a copy of your personal information to another party, please contact the HR Officer in writing.

The legal timescales for the school / trust to respond to a Subject Access Request is one calendar month. As the school/trust has limited staff resources outside of term time, we encourage governor / trustees to submit Subject Access Requests during term time and to avoid sending a request during periods when the School is closed or is about to close for the holidays where possible. This will assist us in responding to your request as promptly as possible. [For further information about how we handle Subject Access Requests, please see our Data Protection Policy].

### **No fee usually required**

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is manifestly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

### **What we may need from you**

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **RIGHT TO WITHDRAW CONSENT**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the HR Officer. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **DATA PROTECTION OFFICER**

We have appointed a data protection officer (DPO) to oversee compliance with this privacy notice. If you have any questions about this privacy notice or how we handle your personal information, please contact the DPO. You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues.

You can contact the Information Commissioners Office on 0303 123 1113 or via email <https://ico.org.uk/global/contact-us/email/> or at the Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire. SK9 5AF.

## **CHANGES TO THIS PRIVACY NOTICE**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

**If you have any questions about this privacy notice, please contact the School Business Manager on [sbm@nobel.herts.sch.uk](mailto:sbm@nobel.herts.sch.uk).**