



Full name of policy:	<b>Data Protection Policy</b>		
Name and post of person responsible:	Nathan Hatch (Data Protection Officer)		
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Date of next formal review:			
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	<b>Name (role):</b>	<b>Signature:</b>	<b>Date:</b>
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London Academy of Excellence Tottenham is committed to actively promoting equality of opportunity in everything that it does and to ensuring that differences between all of our learners and staff are valued and respected. This policy complies with the 2010 Equality Act.

**This Data Protection Policy will be reviewed annually.**

# LONDON ACADEMY OF EXCELLENCE TOTTENHAM

## 1. INTRODUCTION

This policy applies to all personal data held at London Academy of Excellence Tottenham ("LAET" or "The School"). It encompasses paper records; data held on computer and associated equipment of whatever type and at whatever location, used by or on behalf of LAET.

The obligations outlined in this policy apply to all those who have access to personal data, whether they are employees, governors, employees of associated organisations, visitors, consultants or temporary staff. It includes those who work from home, who must follow the same procedures as they would in an office environment.

Any individual who knowingly or recklessly processes data for purposes other than those for which it is intended or makes an unauthorised disclosure is liable to prosecution. All individuals permitted to access personal data must agree to comply with this policy.

## 2. POLICY STATEMENT

### 2.1. London Academy of Excellence Tottenham will comply with:

2.1.1. The terms of the General Data Protection Regulations (GDPR) (EU) 2018 and any subsequent relevant legislation, to ensure personal data is treated in a manner that is fair and lawful.

2.1.2. The eight enforceable principles of good practice contained in the GDPR 2018. These state that personal data must be: -

- Processed lawfully, fairly and in a transparent manner;
- Collected for specified, explicit and legitimate purposes;
- Adequate, relevant & limited to what is necessary for the purposes for which they are processed;
- Accurate and kept up to date;
- Not kept for longer than is necessary;
- Processed in accordance with the data subject's rights;
- Secure;
- Not transferred to a country outside the EEC unless that country ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

2.1.3. The guidance displayed on the Information Commissioner's website (<http://ico.org.uk>) and published in "the Guide to Data Protection" published by the Information Commissioner's office and available at:-

<http://ico.org.uk/for-organisations/guide-to-data-protection/>

2.2. This policy should be read in conjunction with London Academy of Excellence Tottenham's ICT Acceptable Usage Policy, Safeguarding Policy, Freedom of Information Act Policy and Publications Scheme.

### 2.3. Data Gathering

Only relevant personal data may be collected and the person from whom it is collected will be informed why the data is being collected, of the data's intended use and any possible disclosures of the information that may be made.

Privacy notices will be issued to all persons from whom personal data is collected. Two versions will be used – one in respect of students' personal data (issued to parents) and the other in respect of staff personal data. These are appended to this policy.

## **2.4. Processing**

- 2.4.1. All processing of personal data will comply with the Data Protection Principles as defined in the GDPR 2018. In the situation where data is processed by a third party, the third party will be required to act in a manner that ensures compliance with the GDPR 2018.
- 2.4.2. Data will only be processed for the purpose for which it was collected and will not be used for incompatible purposes without the consent of the data subject.

## **2.5. Data Storage**

- 2.5.1. LAET will hold the minimum amount of personal data necessary to enable it to perform its functions. The data will be erased once the need to hold it has passed.
- 2.5.2. LAET will store personal data in a secure and safe manner.
- 2.5.3. Electronic data will be protected by standard password and firewall systems operated by LAET.
- 2.5.4. Personal data, the loss of which could cause damage or distress to individuals, which is used or stored on portable or mobile devices will be encrypted using encryption software which meets the current standard or equivalent. This applies to all laptop computers and portable memory devices (including memory sticks etc)
- 2.5.5. Computer workstations in administrative areas will be positioned so that they are not visible to casual observers.
- 2.5.6. Manual data will be stored where it not accessible to anyone who does not have a legitimate reason to view or process that data.
- 2.5.7. Particular attention will be paid to the need for security of sensitive personal data.

## **2.6. Data Checking**

- 2.6.1. LAET will issue regular reminders to staff and parents/carers to ensure that personal data held is up-to-date and accurate.
- 2.6.2. Any errors discovered will be rectified and, if the incorrect information has been disclosed to a third party, any recipients informed of the corrected data.

## **2.7. Data Disclosures**

- 2.7.1. Personal data will only be disclosed to organisations or individuals for whom consent has been given to receive the data, or organisations that have a legal right to receive the data without consent being given.
- 2.7.2. When requests to disclose personal data are received by telephone it is the responsibility of the member of staff taking the call to ensure the caller is entitled to receive the data and that they are who they say they are. It is essential that the caller is requested to attend the school and bring with them 2 forms of identification, 1 photographic and 1 with proof of address.
- 2.7.3. Requests from parents/carers or students for printed lists of the names of students in particular groups, which are known to be sought at Christmas and end of year, should be politely refused as permission would be needed from all the data subjects contained in the list. (Note: A suggestion that the child makes a list of names when all the students are present in class will resolve the problem.)
- 2.7.4. Personal data will not be used in newsletters, websites or other media without the consent of the data subject.
- 2.7.5. Routine consent issues will be incorporated into LAET's student data collection sheets, to avoid the need for frequent, similar requests for consent being made by LAET.
- 2.7.6. Personal data will only be disclosed to Police Officers if they are able to supply a relevant document which notifies of a specific, legitimate need to have access to specific personal data.
- 2.7.7. A record will be kept of any personal data disclosed so that the recipient can be informed if the data is later found to be inaccurate.

## **2.8. Subject Access Requests**

- 2.8.1. If LAET receives a written request from a data subject to see any or all personal data that LAET holds about them this will be treated as a legitimate Subject Access Request and The School will respond within the 1 month deadline.
- 2.8.2. Informal requests to view or have copies of personal data will be dealt with wherever possible at a mutually convenient time but, in the event of any disagreement over this, the person requesting the data will be instructed to make their application in writing and LAET will comply with its duty to respond within the 1 month time limit.

## **3. CONFIDENTIALITY AND SECURITY**

### **3.1. Security**

- 3.1.1. Personal data is confidential and confidentiality must be preserved in compliance with the Data Protection Principles as defined in the GDPR 2018.
- 3.1.2. Paper records will be managed so that access is restricted to those who need to use the information and stored in secure locations to prevent unauthorised access.
- 3.1.3. Computer systems will be designed and computer files created with adequate security levels to preserve confidentiality. Those who use the school's computer equipment will have access only to the data that is both necessary for the work they are doing and held for carrying out that work.

### **3.2. Data Breach**

- 3.2.1. In the event of a Data Breach, the severity of the breach shall first be investigated and defined as either a minor data breach or serious data breach, where the rights and freedoms of the data subject are interfered with.
- A minor data breach shall be investigated and any remedial action will be taken to reduce the risk of a similar breach occurring in future
  - A serious data breach will be reported to the Information Commissioner's Office (ICO) within 72 hours of the breach occurring and the individuals who the breach affects will be contacted without delay if there is a high risk to the rights and freedoms of the individual
- 3.2.2. Data Breaches of any kind and any action taken as the result of a breach will be investigated and documented
- 3.2.3. The full Data Breach Procedure can be found in the "Information for Staff" Team Drive or can be requested from the Data Protection Officer.

## **4. OWNERSHIP OF DATA**

LAET is responsible for the personal data that it holds. This responsibility extends to any data that is processed by a third party. Data stored is listed in the Publications Scheme.

## **5. TRAINING**

All members of staff who work with personal data, and their line managers, are aware of Data Protection and undergo training for the procedures around Data Breaches and Subject Access Requests.

## **6. POLICY REVIEW**

This policy will be kept under review in order to keep it in line with relevant legislation and modifications authorised by the governing body and the Senior Management Team.

## **7. Processing, storing, archiving and deleting personal sixth former data:**

- 7.1 Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working of the school to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change schools

7.2 School records for a child should be kept for 7 years after the child leaves the school, or until the child reaches 25 years of age (whichever is greater) and examination records the same

## **8. Accessing personal data**

- 8.1 A child can request access to his/her own data. The request is not charged and does not have to be in writing. A member of SLT will judge whether the request is in the child's best interests, and that the child will understand the information provided. They may also wish to consider whether the request has been made under coercion
- 8.2 In all cases, should third party information (information about another individual) be included in the information the staff handling the request will remove all third party information, with the exception of information provided by another member of school staff which is exempt from a requirement for third party consents.
- 8.3 Personal data should always be of direct relevance to the person requesting the information. A document discussing more general concerns may not be defined as personal data
- 8.4 Anyone who requests to see their personal data has the right to question the accuracy of matters of fact within the data, and to ask to have inaccurate information deleted or changed. They may also question opinions, and their comments will be recorded, but opinions do not need to be deleted or changed as a part of this process
- 8.5 The school will document all requests for personal information with details of who dealt with the request, what information was provided and when, and any outcomes (letter requesting changes etc.) This will enable staff to deal with a complaint if one is made in relation to the request.

## **9. Fair processing of personal data: Data which may be shared**

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the GDPR 2018. This means that, among other things, the data held about pupils must only be used for specific purposes allowed by law. The school has a Privacy Notice which explains how personal data is used and with whom it will be shared. This Notice is published on our website.