# Hummersknott Academy Trust

# 17 - Data Protection Policy

## Review Date: March 2023

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| Adopted/V1 | V2 | V3 | V4 | | | | |
| March 2014 | July 2016 | Mar 2019 | Dec 2021 | | | | |

Hummersknott Academy Trust incorporates Hummersknott Academy and Skerne Park Academy and unless otherwise stated this policy applies to all Academies equally.

**PURPOSE**

The Trust's Data Protection Policy has been produced to ensure compliance with the Data Protection Act 2018 (DPA), GDPR and associated legislation, and it incorporates guidance from the Information Commissioner's Office (ICO).

The DPA gives individuals rights over their personal data and protects individuals from the erroneous use of their personal data.

The Trust is registered with the ICO as a Data Controller for the processing of living individuals' personal information.

**SCOPE**

This Policy applies to all employees (including temporary, casual or agency staff and contractors, consultants and suppliers working for, or on behalf of, the Trust), third parties and others who may process personal information on behalf of the Trust.

The Policy also covers any staff and students who may be involved in research or other activity that requires them to process or have access to personal data, for instance as part of a research project or as part of professional practice activities. If this occurs, it is the responsibility of the Trust to ensure the data is processed in accordance with the DPA 2018 and that students and staff are advised about their responsibilities.

**Data Covered by the Policy**

A detailed description of this definition is available from the ICO, however briefly; personal data is information relating to an individual where the structure of the data allows the information to be accessed i.e. as part of a relevant filing system. This includes data held manually and electronically and data compiled, stored or otherwise processed by the Trust, or by a third party on its behalf.

Special category data is personal data consisting of information relating to:

- Racial or ethnic origin
- Political opinions, Religious beliefs or other beliefs of a similar nature
- Membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- Physical or mental health or condition
- Sexual life, sexual orientation
- Biometric/genetic data

**The Six Data Protection Principles**

The DPA 2018 requires the Trust, its staff and others who process or use any personal information must comply with the six data protection principles.

The principles require that personal data shall:

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met
- Be obtained for a specified and lawful purpose and shall not be processed in any manner incompatible with that purpose
- Be limited to only what is required for the purposes for which it is being collected
- Be accurate and kept up to date
- Not be kept for longer than is necessary for those purpose
- Be kept safe from unauthorised or unlawful processing and against accidental loss, destruction or damage

**Data Protection Responsibilities**
The Trust has an appointed Veritau as their Data Protection Officer schoolsDPO@veritau.co.uk to:

- Inform and advise the Trust and its employees about their legal obligations to comply with dance on Data Protection issues to ensure they are aware of their obligations and to comply with the GDPR and other data protection laws.
- Monitor the Trusts compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.

Data Protection Coordinators (DPCs) have been appointed in the Academies to handle day-to-day issues which arise - DPO@hummersknott.org.uk or DPO@skernepark.org.uk

The DPO can be contacted at the following address:

Schools Data Protection Officer
Veritau
West Offices
Station Rise
York
North Yorkshire
YO1 6GA

schoolsDPO@veritau.co.uk // 01904 554025

All new members of staff will be required to complete a mandatory information governance module as part of their induction and existing staff will be requested to undertake refresher training on a regular basis.

Employees of the Trust are expected to:
- Familiarise themselves and comply with the six data protection principles
- Ensure any possession of personal data is accurate and up to date
- Ensure their own personal information is accurate and up to date
- Keep personal data for no longer than is necessary
- Ensure that any personal data they process is secure and in compliance with the Trust's information related policies and strategies
- Acknowledge data subjects' rights (e.g. right of access to ***all*** their personal data held by the Trust) under the DPA 2018, and comply with access to records
- Ensure personal data is only used for those specified purposes and is not unlawfully used for any other business that does not concern the Trust
- Obtain consent when collecting, sharing or disclosing personal data
- Contact the DPO at schoolsDPO@veritau.co.uk for any concerns or doubt relating to data protection to avoid any infringements of the DPA 2018

Students/pupils of the Trust are expected to:
- Comply with the six data protection principles
- Comply with any security procedures implemented by the Trust

**Obtaining, Disclosing and Sharing**
Only personal data that is necessary for a specific Trust related business reason will be obtained.

Students/pupils and parents/guardians/carers are informed about how their data will be processed when they complete data collection and registration forms.

Upon acceptance of employment at the Trust, members of staff also consent to the processing and storage of their data.

Data must be collected and stored in a secure manner.

Personal information must not be disclosed to a third party organisation without prior consent of the individual concerned unless the disclosure is legally required or permitted. This also includes information that would confirm whether or not an individual is or has been an applicant, student or employee of the Trust.

The Trust may have a duty to disclose personal information in order to comply with legal or statutory obligation. The DPA 2018 may permit the Trust to share data without consent or without informing individuals in accordance with the Right to be Informed:

1. With the police and law enforcement bodies where it is considered necessary for the prevention and detection of crime;
2. Where the information may be necessary under enactment, for the purposes of legal proceedings and or for exercising of defending legal rights; and
3. Where the processing is necessary because it is a task carried out for in the public interest, for example, sharing information with the local authority, for example Safeguarding and Child Protection.

All requests from third party organisations seeking access, to personal data held by the Trust should be directed to the Data Protection Officer at schoolsDPO@veritau.co.ukThe Trust will keep a record of all requests received from third party organisations. This information may be requested by the DPO or the Information Commissioner at any time to comply and actively evidence compliance, with Data Subjects Rights.

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

**Retention, Security and Disposal**

The trust will maintain asset registers recording all data that is processed in the Academies including the type of data, its purpose and lawful basis, who is responsible for it, how it is kept securely and the retention period.

Recipients responsible for the processing and management of personal data must ensure that the data is accurate and up-to-date. If an employee, student/pupil or applicant is dissatisfied with the accuracy of their personal data, then they must inform DPO@hummersknott.org.uk or DPO@skernepark.org.uk

Personal information held in paper and electronic format will not be retained for longer than is necessary. In accordance with data protection Principles of the DPA 2018, personal information will be collected and retained only for business, regulatory or legal purposes.

In accordance with the provisions of the DPA 2018, all staff whose work involves processing personal data, whether in electronic or paper format, must take personal responsibility for its secure storage in line with the Trust's Clear Desk Policy, and ensure appropriate measures are in place to prevent accidental loss or destruction of, or damage to, personal data.

In accordance with the Trust's Working at Home Policy, staff working off site will be responsible for ensuring that personal data is stored securely and is not accessible to others.

All departments must ensure that data is destroyed in accordance with the IRMS Toolkit (Information and Records Management Toolkit) when it is no longer required.
Personal data in paper format must be shredded or placed in the confidential waste bins provided. Personal data in electronic format must be deleted, and CDs, pen drives and IT hardware that hold personal data passed to systems services for safe disposal.

**Transferring Personal Data**

Any transfer of personal data must be done securely.

Email communication is not always secure and sending personal data via external email should be avoided unless it is encrypted with a password provided to the recipient separately.

Care must be taken to ensure emails containing personal data are not sent to unintended recipients. It is important that emails are addressed correctly and care is taken when using reply all or forwarding or copying others into emails. Use of the blind copy facility must be considered when sending an email to multiple recipients to avoid disclosing personal information to others.

Personal email accounts must not be used to send or receive personal data for work purpose.

**Data Subjects Right of Access (Subject Access Requests)**

Under the DPA 2018, individuals (both staff and students/pupils) have the following rights:

- Access to personal information processed by the Academy
- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent processing for direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate or incomplete personal data rectified, blocked, restricted, erased or destroyed.
- Claim compensation for damages caused by a break of the Data Protection regulations

The Trust shall use its discretion under the DPA 2018 to encourage informal access at a local level to a data subject's personal information, but it will also have a formal procedure for the processing of Subject Access Requests.

Any individual who wishes to exercise this right must make the request through submitting a Subject Access Request Form. This is available by contacting DPO@hummersknott.org.uk or DPO@skernepark.org.uk

The Trust may not charge a fee. It will only release any information upon receipt of the completed Subject Access Request Form, along with proof of identity or proof of authorisation where requests are made on the behalf of a data subject by a third party. The requested information will be provided within the statutory timescale of one calendar month from receipt of the completed form.

**Biometric Data**

Currently academies within Hummersknott Academy Trust do not hold biometric data associated with biometric recognition systems for such areas as cashless lunch service, fingerprint printing etc. The Trust is fully aware that biometric data is sensitive personal data.

If, in future, the Trust was to utilise biometric recognition systems, all relevant data protection safeguards would be made. These would include ensuring parents were informed of the use of a biometric data system and explicit, written, consent was obtained before any biometric data was taken from a student/pupil and used as part of an automated biometric recognition system.

The Trust would not process biometric data of any child under the age of 18:

- who objected verbally or non-verbally to participate in the processing of this data
- whose parent/legal guardian had not provided explicit, written, consent
- where one parent has objected, in writing, to the processing of data, despite another parent having provided written consent

In such cases, reasonable alternative means of accessing catering services and other required activities would be provided. The Trust will comply with any guidance or advice issued by the Department for Education on the use of Biometric data.

**Reporting a Data Security Breach**
It is important the Trust responds to a data security breach quickly and effectively. A breach may arise from a theft, a deliberate attack on Trust systems, unauthorised use of personal data, accidental loss or equipment failure. Any data breach must be reported to DPO@hummersknott.org.uk or DPO@skernepark.org.uk who will then inform the Data Protection Officer, and if it relates to an IT incident (including information security), should also be reported to the Principal. Please refer to the Data Breach Reporting Policy and Procedure for more information.

The Policy applies to all staff and students and contractors at the Trust. This includes teaching students, temporary, casual, agency staff, suppliers and data processors working for or on behalf of the Trust.

Any breach will be investigated in line with the Data Breach Reporting and Procedure Policy. In accordance with that Policy, the Trust will treat any breach as a serious issue. Each incident will be investigated and judged on its individual circumstances and addressed accordingly.

If a breach occurs or is discovered outside normal working hours, it must be reported to the Trust as soon as practicable. Note: the Academy must report data breaches that result, or are likely to result, in high risk to the rights and freedoms of individuals to the Information commissioner with undue delay and in any event within 72 hours.

The Trust will complete a Data Breach report that shall include the facts relating to the breach, its effect on individuals, the action taken by the Academy to mitigate any risks. The report must include full and accurate details of the incident, when the breach occurred (dates and times), who is reporting it, if the data relates to people, the nature of the information, and how many people are involved.

**CCTV System**
The Trust operate an overt CCTV system across each school site. The includes CCTV cameras that are located externally and internally within the school buildings. Images captured by the CCTV system are necessary for prevention and detection of crime, and site security. The Trust have a CCTV Policy governing the details, the purposed, use and management of the CCTV system, and the Trust has implemented procedure that must be followed in order to ensure that the Trust complies with data protection, human rights and statutory codes of practice published by the Information Commissioner.

All personal data captured on the CCTV system will only be processed in accordance with the Data Protection Act 2018, the General Data Protection Regulation (GDPR) and any subsequent data protection legislation, and to the Freedom or Information Act 2000, the Protection of Freedoms Act 2012 and the Human Rights Act 1998. Although not a relevant authority, the Trist will also have due regard to the Surveillance Camera Code of Practice, issued under the Protection of Freedoms Act 2012 and the 12 guiding principles contained therein.

**Contacts**
If you have any enquires in relation to this policy, please contact DPO@hummersknott.org.uk or DPO@skernepark.org.uk who will also act as the contact point for any Subject Access Requests.

The Trust's Data Protection Officer is:

Schools Data Protection Officer
Veritau
West Offices
Station Rise
York
North Yorkshire
YO1 6GA

schoolsDPO@veritau.co.uk // 01904 554025

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk.

This policy links with values 3 - Nothing but the best for all and 4 – Taking responsibility, of Hummersknott Academy Trust's Vision and Values.

**RESPONSIBILITY**

This policy will be reviewed and updated where necessary by the Executive Principal and approved for adoption by the Finance and Audit Committee.

**PUBLICISING THE POLICY**

A copy of this policy will be available on each Academy's website and the X Drive/intranet where applicable. Staff will be advised of amendments to this policy via the Staff Bulletin/Briefing and are expected to familiarise themselves with the content.

**POLICY STATUS**

This is a statutory policy.