

MANOR HOUSE SCHOOL DATA PROTECTION POLICY INCL EYFS

Date of Issue: **May 2018**

Date of Review: **May 2019**

Responsibility: **Bursar/DPO**

References:

GDPR (EU) Data Protection Act 2018

Information Commissioner's Office: www.ico.org.uk

MHS Acceptable Use Policy

1. Overview

- 1.1 Manor House School takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the Data Protection Act 2018 (the 2018 Act) and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 1.2 Manor House School has appointed the Director of Finance and Operations as its current Data Protection Officer who will endeavour to ensure that all personal data is processed in accordance with this policy and that of the Data Protection Act 2018. The Data Protection Officer will be responsible for updating this policy and updating the Governors on any risks or responsibilities. You should direct any questions in relation to this policy or data protection to this person.
- 1.3 This policy applies to all parents, pupils, employees (current and former), workers, volunteers, apprentices and consultants. If you fall into one of these categories, then you are a 'data subject' for the purposes of this policy. You should read this policy alongside any contract (employment, services or agreement) and any other notice we issue to you from time to time in relation to your data.
- 1.4 Manor House School has a separate privacy and cookies policy for the website found at www.manorhouseschool.org/privacy-policy/ and also for job applicants. A copy of these can be obtained from Marketing or HR.
- 1.5 Manor House school has measures in place to protect the security of your data in accordance with our acceptable Use and Computer Technology Policy. A copy of this can be obtained from HR.

- 1.6 Manor House School will hold data in accordance with the recommended guidance published by the ICO. We will only hold data for as long as necessary for the purposes for which we collected it.
- 1.7 The School is a 'data controller' for the purposes of your personal data. This means that we determine the purposes and means of the processing of your personal data.
- 1.8 This policy explains how the School will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the School.
- 1.9 This policy does not form part of your contract and can be amended by the School at any time. It is intended that this policy is fully compliant with the 2018 Act and the GDPR. If any conflict arises between those laws and this policy, the School intends to comply with the 2018 Act and the GDPR.

2 Data Protection Principles

2.1 Personal data must be processed in accordance with the Data Protection Act 2018 and its six 'Data Protection Principles.' The School is accountable for these principles and must be able to show that we are compliant and the data must:

- Be processed fairly, lawfully and transparently;
- Be collected and processed only for specified, explicit and legitimate purposes;
- Be adequate, relevant and limited to what is necessary for the purposes for which it is processed;
- Be accurate and kept up to date. Any inaccurate data must be deleted or rectified without delay;
- Not be kept for longer than is necessary for the purposes for which it is processed; and
- Be processed securely.

3 How we define personal data

3.1 'Personal Data' means information which relates to a living person who can be identified from that data (a data subject) on its own, or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymised data.

3.2 This policy applies to all personal data whether it is stored electronically, on paper or on other materials.

3.3 This personal data might be provided to us by you, or someone else (such as a former School or employer, doctor or credit reference agency), or it could be created by us. It could be provided or created during any process by the School or in the course of any contract or after its termination. For employees, workers, volunteers and consultants, it could be created by your manager or other colleagues.

3.4 We will collect and use the following types of personal data about you as employees, workers, volunteers or contractors:

- Recruitment information such as your application form or CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments;
- Your contact details and date of birth;
- The contact details for your emergency contacts;
- Your gender;
- Your marital status and family details;
- Information about your contract of employment (or services) including start and end dates of employment, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement;
- Your bank details and information in relation to your tax status including your national insurance number

- Your identification documents including passport and driving licence and information in relation to your immigration status and right to work for us;
- Any further pre-employment checks as required by the safer recruitment guidelines as published in “Keeping Children Safe in Education September 2018”
- Information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings);
- Information relating to your performance and behaviours at work;
- Training records;
- Electronic information in relation to your use of IT systems and telephone systems;
- Your images (CCTV/Photograph/Video)
- Any other category of personal data which we may notify you of from time to time.

3.5 We will collect and use the following types of personal data about you as parents/carers and pupils:

- Your full names and family names
- Your full address
- Your gender and date of Birth
- Parents marital status and emergency information
- Any other category of personal data which we may notify you of from time to time

3.6 For Bursaries we will collect the following types of personal data about you as parents/carers:

- Parent/Carer Occupation details
- Declaration of all income;
- Declaration of all outgoings, pensions, mortgage, NI and other payable interests;
- Declaration of all assets;
- Declaration of liabilities;
- Net Asset
- Details of dependent children
- Details of any further dependants
- Verification of income

Please see the form for further details; <https://www.manorhouseschool.org/wp-content/uploads/2017/05/Bursary-application-form-2017.pdf>

4 How we define special categories of personal data

4.1 ‘Special categories of personal data’ are types of personal data consisting of information as to:

- Your racial or ethnic origin;
- Your political opinions
- Your religious or philosophical beliefs;
- Your trade union membership;

- Your genetic or biometric data;
- Your health
- Your sex life and sexual orientation; and
- Any criminal convictions and offences

We may hold and use any of these special categories of your personal data in accordance with the law.

5 How we define processing

- 5.1 'Processing' means any operation which is performed on personal data such as;
- Collection, recording, organisation, structuring or storage;
 - Adaption or alteration
 - Retrieval, consultation or use;
 - Disclosure by transmission, dissemination or otherwise making available;
 - Alignment or combination; and
 - Restriction, destruction or erasure.

This includes processing personal data which forms part of a filing system and any automated processing.

6 How will we process your personal data?

- 6.1 Manor House School will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.
- 6.2 We will use your personal data for;
- Performing the contract of employment, parent/carer contract or services, between us;
 - Complying with any legal obligations; or
 - If it necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interest and rights do not override ours (or theirs). You have the right to challenge our legitimate interest and request that we stop this processing. See details of your rights in section 15 below.
- 6.3 We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.
- 6.4 If you choose not to provide us with certain personal data, you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.

7 Examples of when we might process your personal data Employees, Workers, Volunteers, Consultants.

7.1 We have to process your personal data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement).

7.2 For example, (please see section 7.6 for meaning if asterisks)

- To decide whether to employ you;
- To decide how much to pay you, and the other terms of your contract with us;
- To carry out the contract between us including where relevant, its termination;
- To check you have a legal right to work for us;
- Training you and reviewing your performance*;
- To decide whether to promote you;
- To decide whether and how to manage your performance, absence or conduct*;
- To carry out a disciplinary or grievance investigation or procedure in relation to you or someone else;
- To determine whether we need to make reasonable adjustments to your workplace or role because of your disability*;
- To monitor diversity and equal opportunities*;
- To monitor and protect the health and safety as well as security, including network security of Manor House School, you, our other staff, pupils, parents, consultants and other stakeholders;
- To pay you and provide pension and other benefits in accordance with the contract between us*;
- Paying tax and national insurance;
- To provide a reference upon request from another employer;
- Monitoring compliance by you, us and others without policies and our contractual obligations*;
- To comply with employment law, immigration law, health and safety law, tax law and other laws which affect us*;
- To answer any questions from insurers in respect of any insurance policies which relate to you*;
- Running our school and planning for the future;
- The prevention and detection of fraud or other criminal offences;
- To defend Manor House School in respect of any investigation or litigation and to comply with any court
- For any other reason which we may notify you of from time to time.

7.3 We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your consent to process a special category or personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the HR Officer.

- 7.4 We do not need your consent to process special categories of your personal data when we are processing it for the following purposes which we may do;
- Where it is necessary for carrying out rights and obligations under employment law
 - Where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
 - Where you have made the data public;
 - Where processing is necessary for the establishment, exercise or defence of legal claims; and
 - Where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.
- 7.5 All employees of Manor House School are exempt from the Rehabilitation of Offenders Act 1974 (See Exceptions Order 1975 Article 4, part 2). If you are appointed, you will be required to undertake an Enhanced Disclosure & Barring Service (DBS) check (previously known as a CRB check). You are required to declare any convictions, cautions and bind-overs you may have, regardless of how long ago they occurred and including those regarded as 'spent', as well as any pending criminal proceedings or current police investigations. Having a criminal record will not necessarily prevent you from taking up appointment; this will depend on the nature of the offence(s) and their relevance to the post you are applying for. However, should you not declare any of the above and this is subsequently revealed, e.g. through the DBS check, then this may place your appointment in jeopardy.
- 7.6 We might process special categories of your personal data for the purposes in paragraph 7.2 above which have an asterisk beside them. In particular, we will use information in relation to;
- Your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
 - Your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
 - To comply with our legal obligations in respect of trade union membership.
- 7.7 We do not take automated decisions about you using your personal data or use profiling in relation to you.

8 Examples of when we might process your personal data, Pupils Parents/Carers and any further stakeholders.

- 8.1 We have to process your personal data in various situations during your contract or services with us.
- 8.2 For example
- For statutory reasons
 - To decide on whether to engage in any contract with you;

- To carry out the contract between us including where relevant its termination;
 - To determine whether we need to make reasonable adjustments for your child including any medical reasons where it is in the best interest of the child;
 - To publish anonymise exam data/results
 - To answer questions from any debt collectors where relevant;
 - To provide references upon request from another school;
 - The prevention and detection of fraud or other criminal offences;
 - To defend Manor House School in respect of any investigation or litigation and to comply with any court for disclosure;
 - For any other reason which we may notify you of from time to time.
- 8.3 We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:
- Where it is necessary for carrying out rights and obligations under UK law;
 - Where you have made the data public;
 - Where processing is necessary for the establishment, exercise or defence of legal claims.
- 8.4 We do not take automated decisions about you using your personal data or use profiling in relation to you or your child.

9 Sharing your personal data

- 9.1 Sometimes we might share your personal data with group companies or our contractors and agents to carry out our obligations under our contract with you or for legitimate interests. Other examples are as follows:
- For Statutory Reasons
 - HMRC for tax and national insurance purposes
 - Occupational Health Services
 - legitimate requests from Metropolitan or local police forces;
 - DfE for Educational reasons, please see: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data> for further details
- 9.2 We require those companies to keep your personal data confidential and secure to protect it in accordance with the new law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.
- 9.3 Legitimate activities from third party companies include but not limited to Payroll, HMRC, Occupational Health and any other party Manor House School sees fit.
- 9.4 We do not send your personal data outside the European Economic Area. If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

10 How should you process personal data for Manor House School?

- 10.1 Everyone who works for, or on behalf of, Manor House School has some responsibility for ensuring data is collected, stored and handles appropriately, in line with the is policy and the Manor House School Data Security Policy and Data Retention procedure.
- 10.2 You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of Manor House School and only if you are authorised to do so. You should only use the data for the specified lawful purpose for which it was obtained.
- 10.3 You should not share personal data informally.
- 10.4 You should keep personal data secure and not share it with unauthorised people.
- 10.5 You should regularly review and update personal data which you have to seal with for work. This includes telling us if your own contact details change.
- 10.6 You should not make unnecessary copies of personal data and should keep and dispose of any copies securely.
- 10.7 You should use strong passwords.
- 10.8 You should lock your computer screens when not at your desk, especially in classrooms.
- 10.9 Any data being transferred has to be referred through to the IT Technician for encryption.
- 10.10 Consider anonymising data or using separate codes so that the data subject cannot be identified, such as initials.
- 10.11 Do not save any personal data to your own devices.
- 10.12 Personal data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the Data Protection Manager.
- 10.13 You should lock drawers and filing cabinets. Do not leave paper with personal data lying about.
- 10.14 You should not take personal data away from the School's premises without authorisation from the Data Protection Manager.
- 10.15 Personal data should be securely shredded and disposed of when you have finished with it.
- 10.16 You should ask for help from the Data Protection manager if you are unsure about data protection or if you notice any areas of data protection or security we can improve on.
- 10.17 Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with our disciplinary procedure.
- 10.18 It is a criminal offence to conceal or destroy personal data which is part pf a subject access request (See section 13). This conduct would also amount to gross misconduct under the disciplinary procedure, which could result in a dismissal.

11 How to deal with data breaches

- 11.1 We have robust measures in place to minimise and prevent data breaches taking place. Should a breach of personal data occur (either you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then we must also notify the Information Commissioner's Office within 72 hours.
- 11.2 If you are aware of a data breach you must contact the Director of Finance and Operations immediately and keep any evidence you have in relation to the breach.

12 Photographic Images

- 12.1 Use of photographic images of pupils in all School-related communications, media and social media, where possible, Manor House will follow the Department for Education guidelines, as below:
- If the pupil is named, avoid using her photograph.
 - If the pupil is pictured, avoid using her name.
- Exceptions may be considered necessary to the above advice; some examples are given below:
- Permission to use images and full names of pupils for promotional purposes. Such as:
 - **School publications** eg school magazine, calendar, yearbook
 - **School literature** eg weekly newsbriefing which highlights individual pupil achievement
 - **School websites**
 - **Press releases** - For coverage in the local press we are required to supply names with photographs, in contrast to DfE data guidelines.

Parents/Guardians and staff will receive Permission forms to complete where images can be declined permission for use.

13 Subject access requests staff/parents/pupils

- 13.1 Data subjects can make a 'subject access request' ('SAR') to find out the information we hold about them. This request must be made in writing. If you receive such a request you should forward immediately to the Data Protection Manager who will coordinate a response.
- 13.2 If you would like to make a SAR in relation to your own personal data, you should make this in writing to the Director of Finance and Operations. We must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.
- 13.3 There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

- 13.4 You should be aware that the right to access is limited to your own personal data, and certain data is exempt from the right of access. This will include information which identifies other individuals (and parents need to be aware this may include their own children, in certain limited situations-please see further below), or information which is subject to legal privilege (for example, legal advice given to or sought by the school, or documents prepared in connection with a legal action)
- 13.5 The school is also not required to disclose any pupil examination scripts (or other information consisting solely of pupil test answers), provide examination or other test marks ahead of any ordinary publication, nor share any confidential reference given by the school itself for the purposes of the education, training or employment of any individual. Although parents may not have a statutory right to information, they and others will often have a legitimate interest or expectation in receiving certain information about pupils without their consent. The school may consider there are lawful grounds for sharing with or without reference to that pupil. All information requests from, on behalf of, or concerning pupils-whether made under subject access request or simply as an incidental request-will therefore be considered on a case by case basis.

14 Data Accuracy and Security

- 14.1 The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must please notify the HR Officer of any significant changes to important information, such as contact details, held about them.
- 14.2 The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around the use of technology and devices, and access to school systems.
- 14.3 Manor House School must ensure that appropriate security measures have been taken against the unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. As such no member of staff is permitted to remove personal data from school premises, whether in paper or electronic form and wherever stored, without prior consent of the Headteacher or Director of finance and Operations. Use of personal devices for official school business is not permitted.
- 14.4 The School complies with the requirements of the PCI Security Standard and all staff must comply.
- 14.5 All staff and governors will be made aware of this policy and their duties under Data Protection law and receive relevant training.

15 Your data subject rights

- 15.1 You have the right to information about what personal data we process, how and on what basis as set out in this policy.
- 15.2 You have the right to access your own personal data by way of a subject access request (See 13).
- 15.3 You can correct any inaccuracies in your personal data. To do this you should contact the Data Protection Manager.

- 15.4 You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact the Director of Finance and Operations.
- 15.5 While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so contact the Director of Finance and Operations.
- 15.6 You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interest outweigh our own and you wish us to stop.
- 15.7 You have the right to object if we process your personal data for the purposes of direct marketing.
- 15.8 You have the right to not be subjected to automated decision-making.
- 15.9 You have the right to be notified of a data security breach concerning your personal data.
- 15.10 In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw consent please contact the Director of Finance and Operations.
- 15.11 You have the right to complain to the Information Commissioner. You can do this by contacting the ICO directly. Full details including a helpline number can be found on the ICO website (www.ico.org.uk). This website has further information on your rights and our obligations.

16 References

- 16.1 Under a specific exemption in the Act, the individual does not have the right to gain access to a confidential reference from the organisation that has given it. However, once the reference is with the organisation to which it was sent then no such specific exemption from the right of access exists.
- 16.2 References given for certain purposes, including education, training or employment, can be exempt from the Act. Where the school gives a reference, e.g. a University reference on behalf of a pupil, or an employment reference for an employee or former employee, then the reference should be marked "Confidential for the Purposes of the Data Protection Act 2018". The reference should then be exempt from disclosure under a subject access request. However, it may be more difficult to withhold disclosure of references received, particularly if the candidate is turned down for the post or place.
- 16.3 References may only be given by the Headteacher, or Deputy, the Director of Finance and Operations, Human Resources, Finance, or by some other person specifically authorised by the Headteacher. All references should, wherever possible, be on school headed notepaper. All references must be given with reasonable care, to make sure that the facts are correct and that opinions are based on accurate facts, so that any possibility of action from the employee or the prospective employer is avoided.

Appendix 1 Retention and Destruction of records

Employees

| Record | Period of time kept |
|---|--------------------------------|
| All records leading up to the appointment of a new member of staff-successful | Date of Appointment + 6 months |
| All records leading up to the appointment of a new staff member-unsuccessful | Date of Appointment + 6 months |

Parent/Pupils

| Record | Period of time kept |
|--|---|
| All records necessary relating to a Manor House School Pupil | DOB +25 year review thereafter |
| All parental complaints | 6 years after leaving date of pupil review thereafter |

Consultants/external stakeholders

| Record | Period of time kept |
|---|---------------------|
| All records kept for the duration that is necessary | Duration + 6 months |