

GDPR and Data Protection Policy

Reviewed and updated 1st September 2019

This document is a statement of the aims and principles of the School, for ensuring the confidentiality of sensitive information relating to staff, pupils, parents and governors.

Introduction

L'Ecole Bilingue needs to keep certain information about its employees, pupils and other users to allow it to monitor performance, achievements, and health and safety, for example. It is also necessary to process information so that staff can be recruited and paid, courses organised and legal obligations to funding bodies and government complied with.

To comply with the law, information must be collected and used fairly, stored safely and not disclosed to any other person unlawfully. To do this, l'école bilingue must comply with the Data Protection Principles which are set out in the Data Protection Act 1998 and the General Data Protection Regulation (GDPR).

The Data Protection Act 1998 states that personal data shall:

- Personal data shall be processed fairly and lawfully;
- Personal data shall be obtained only for one or more specified and lawful purposes;
- Personal data shall be adequate, relevant and not excessive;
- Personal data shall be accurate and where necessary, kept up to date;
- Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
- Personal data shall be kept secure i.e. protected by an appropriate degree of security;
- Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely

- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Responsibilities of Staff

All staff are responsible for:

- Checking that any information that they provide to the School in connection with their employment is accurate and up to date.
- Informing the School of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently.
- The School cannot be held responsible for any errors unless the staff member has informed the School of such changes. If and when, as part of their responsibilities, staff collect information about other people (e.g. about a student's course work, opinions about ability, references to other academic institutions, or details of personal circumstances), they must comply with the guidelines for staff set out in the Schools Data Protection Code of Practise.
- Ensuring that any personal data that they hold is kept securely.
- Personal information is not disclosed either orally or in writing or via Web pages or by any other means, accidentally or otherwise, to any unauthorised third party.

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases.

Data protection officer (DPO)

- A DPO will be appointed in order to:
 1. Inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws.
 2. Monitor the school's 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.
- An existing employee will be appointed to the role of DPO provided that their duties are compatible with the duties of the DPO and do not lead to a conflict of interests.

Processing of personal data

Consent may be required for the processing of personal data unless the processing is necessary for the School to undertake its obligations to pupils or their parents or guardians. Any information which falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual or under the terms of this policy.

Consent

- Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- Where consent is given, a record will be kept documenting how and when consent was given.
- The school ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.
- Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR; however, acceptable consent obtained under the DPA will not be reobtained.
- Consent can be withdrawn by the individual at any time.
- Where a child is under the age of 13, the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

Exemptions

There are situations where access to information may be withheld by the School:

- a) The Data Protection Act contains a number of exemptions when information may be withheld, these include:
 1. information which might cause serious harm to the physical or mental health of the pupil or another individual;
 2. cases where the disclosure would reveal a child is at risk of abuse;
 3. information contained in adoption and parental order records;
 4. information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
 5. copies of examination scripts (but not the mark or the written comments by the examiner); and providing examination marks before they are officially announced.

Conclusion

Compliance with the 1998 Act is the responsibility of all members of the School. Any deliberate breach of the Data Protection Policy may lead to disciplinary action being taken, or even to a criminal prosecution.

Ref: *"The Data Protection Act 1998"*

- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The School Standards and Framework Act 1998
- ICO (2018) 'Guide to the General Data Protection Regulation (GDPR)'