DATA PROTECTION POLICY

1. Purpose

1.1 The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 take effect on 25 May 2018 replacing the Data Protection Act (DPA) 1998. The legislation exists to safeguard every individual's data.

1.2 This policy is intended to ensure that personal information about individuals is dealt with properly, securely and in accordance with this legislation.

1.3 In addition to this policy, each school / academy within The Two Counties Trust has its own Data Protection Policy which is relevant to the circumstances and systems within that organisation.

1.4 The GDPR exists to protect individual rights in an increasingly digital world, however this policy applies to all information, regardless of the way it is used and whether the information is held electronically or in hard copy.

1.5 In order to operate effectively The Two Counties Trust (The Trust) has to collect, process and retain information about people which may include current, past and prospective pupils, parents / carers, members of the public, staff, suppliers, volunteers and governors. Our aim is to ensure that this information is kept secure and within the law.

2. Scope

2.1 Data refers to any information that relates to a living person that identifies them. This can be by name, address or phone number for example. It also relates to details about that person which can include their opinions.

2.2 Some data is considered more sensitive, and therefore more important to protect. This is information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life sexual orientation, genetic data, and biometric data where processed to uniquely identify a person.

2.3 Schools have to collect sensitive data to meet Department for Education (DfE) and Local Authority requirements amongst others, and student data may contain information about safeguarding, Special Educational Needs or health needs. Information about other family members may also be held within school records.

2.4 Every school within The Trust will publish a Privacy / Fair Processing Notice on their website.

3. Key principles of the General Data Protection Regulation

3.1 Lawfulness, transparency and fairness

Where data is held, The Trust will have a legitimate reason to hold the data. Every school within The Trust is required to ask for consent to use data about a student for a particular purpose. If you wish to withdraw consent, your school has a form to complete to allow them to process a request. There are occasions however when consent cannot be withdrawn (see Data Subject Rights).

3.2 Collect data for a specific purpose and use it for that purpose

The Trust will note use data for a purpose that it was not originally collected for, or where notice has not been given about how data may be used after collection.

3.3 Limited collection

The Trust will collect the minimum amount of data needed for a particular task.

3.4 Accuracy

The Trust will take steps to ensure that the data collected is accurate and remains up to date. For students, data checks are performed by the school when a student joins a school and this data will be checked on an annual basis.

If a Data Subject believes that the information held is inaccurate, should no longer be held by the Controller, or should not be held by the Controller in any event, a complaints policy is in place in each school and for the Trust. Wherever possible we aim to resolve issues as soon as possible, and as such if you have concerns please contact your school in the first instances, or if appropriate, The Trust.

3.5 Retention

The Trust has a common retention schedule that explains how long records are retained. This is available upon request from any school within The Trust and is shown on the Trust website.

3.6 Security

The Trust has processes in place to keep data safe. That might be paper files, electronic records or other information.

4. Data Subjects

4.1 Data Subjects those whose details The Trust keeps on file and we recognise that some information is more sensitive than others. The GDPR sets out the collection of details such as health conditions and ethnicity are more sensitive for example than names and phone numbers.

4.2 Data Subjects have a right:

- to be informed
- of access to data stored about them or their children
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need to keep the data
- to restrict processing, i.e. to limit what is done with their data
- to object to data being shared or collected

4.3 Data subjects' rights are also subject to child protection and safeguarding concerns and sharing of information for the prevention and detection of crime.

4.4 The Trust has a legal and contractual obligation to share information with organisations such as the DfE, Social Care, Local Authority and HMRC amongst others and in some cases these obligations override individual rights.

5. Subject Access Requests

5.1 You can ask for copies of information held about you, a student who you have parental responsibility for, or are a parent of at a school.

5.2 The Subject Access Request process is set out separately. To make a request this must be in the correct format and you may be asked to provide proof of identification in order to process the request.

5.3 We will aim to provide the information within a month, but this can be extended where it is not possible to comply for example, outside of term time. The maximum period will be two months.

5.4 We may ask you to be more specific about the information that you require. This is to ensure you receive the information needed rather than receiving information that may not be relevant to your request.

5.5 If we are unable to share information if there are contractual, legal or regulatory reasons presenting us from doing so.

5.6 The Trust cannot release information provided by a third party without their consent and as such in these cases you may be better to approach the third party directly.

5.7 We will normally supply the information you have requested in an electronic form.

5.8 If we have been unable to resolve matters and if you wish to complain about the process, please refer to the complaints policy which is available from The Trust website, or in the case of a school, the school website.

6. Data Controller

6.1 The Board of Trustees of The Two Counties Trust is the Data Controller and has ultimate responsibility for how each school within The Trust manages its data and compliance.

6.2 Responsibility within the schools is delegated to Data Processors to act on The Trust's behalf. Responsibility for the day to day activities of Data Processors is delegated to the Headteacher of each school.

6.3 In addition each school has a designated Data Protection Coordinator.

7. Data Processors

7.1 A Data Processor is the person or organisation that collects, uses, accesses or amends the data that the Data Controller has either collected or authorised to be collected.

7.2 A Data Processor can be a member of staff, a third-party company, a governor, contractor or temporary employee. It can also be another organisation such as the Police or the Local Authority.

7.3 Data Controllers require Data Processors to be as careful about the data, its collection, access and use as the Data Controller themselves.

8. Processing data

8.1 The Trust and all schools within The Trust must have a reason to process data about an individual.

8.2 When The Trust processes data relating to an individual it is within one of six conditions of the GDPR which are outlined in section 3.

8.4 If there is a data breach, action will be taken to remedy the situation as quickly as possible.

8.5 The legal basis and authority for collecting and processing data within The Trust are:

- consent obtained from the data subject or their parent;
- performance of a contract where the data subject is a party;
- compliance with a legal obligation;
- to protect the vital interests of the data subject or other associated person;
- to carry out the processing that is in the public interest and/or official authority;
- it is necessary for the legitimate interests of the data controller or third party;
- it is in accordance with national law.

8.6 Additionally any special categories of personal data are processed on the grounds of:

- explicit consent from the data subject or about their child;
- necessary to comply with employment rights or obligations;
- protection of the vital interests of the data subject or associated person;
- being necessary to comply with the legitimate activities of the school;
- existing personal data that has been made public by the data subject and is no longer confidential;
- bringing or defending legal claims;
- safeguarding;
- national laws in terms of processing genetic, biometric or health data.

8.7 Processed data is held within the operating systems of The Trust and the schools.

9. Data Sharing

9.1 Data sharing is within the limits set by the GDPR.

9.2 Guidance from the Department for Education, health, the police, Local Authorities and other specialist organisations may be used to determine whether data is shared.

10. Breaches & Non Compliance

10.1 An incidence of non-compliance with this policy, associated processes, or if there is a breach as described within the GDPR and DPA 2018, then the guidance set out in the Trust's Breach & Non Compliance Procedure will be followed.

11. Consent

11.1 The Trust and its schools will seek consent from staff, volunteers, young people, parents and carers to collect and process their data.

11.2 We will be clear about the reasons for requesting the data and how it will be used.

11.3 There may be contractual, statutory and regulatory occasions when consent is not required, however, in most cases data will only be processed if explicit consent has been obtained.

11.4 Consent is defined by the GDPR as "any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her".

11.5 We may on occasion seek consent from young people also. This will be dependent on the child and the reason for processing.

12. Consent and Renewal

12.1 Obtaining clear consent and ensuring that the consent remains in place is important to us as we want to ensure the accuracy of that information.

13. Pupils and Parents/Carers

13.1 On arrival at school within The Trust you will be asked to complete a form giving next of kin details, emergency contact and other essential information. The school will also ask you to give consent to use the information for other educational purposes as set out on the data collection/consent form.

13.2 Schools review the contact and consent form on an annual basis. It is important to inform your school if your details or your decision about consent changes.

14. Pupil Consent Procedure

14.1 Where processing relates to a child under 16 years old your school will obtain the consent from a person who has parental responsibility for the child.

14.2 Student's may be asked to give consent or to be consulted about how their data is obtained, shared and used in certain situations.

15. Withdrawal of Consent

15.1 Consent can be withdrawn, subject to contractual, statutory or regulatory constraints.

15.2 Where more than one person has the ability to provide or withdraw consent we will consider each situation on the merits and within the principles of GDPR, child welfare, protection and safeguarding principles.

16. CCTV Policy

16.1 CCTV is used to obtain and store images for a period and may be used for:

- Detection and prevention of crime
- Disciplinary procedures
- Pupil behaviour and exclusion management processes
- To assist the school in complying with legal and regulatory obligations

16.2 The CCTV policy can be obtained from the schools.

17. Data Protection Officer

17.1 The Trust has nominated a Data Protection Officer whose role is to:

- Inform and advise the controller or the processor and the employees who carry out processing of their obligations under the GDPR;
- monitor compliance with the GDPR and DPA;
- provide advice where requested about the data protection impact assessment and monitor its performance;
- be the point of contact for Data Subjects if there are concerns about data protection;
- cooperate with the supervisory authority and manage the breach procedure;
- advise about training and CPD for the GDPR

17.2 The Trust has appointed Mr J Walker as Data Protection Officer. Telephone: 0773 6669961

18. Physical Security

18.1 Every secure area within The Trust offices has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, i.e. locked.

18.2 Offices / cupboards which contain personal data will be secured if the Data Processor is not present.

18.3 All staff, contractors and third parties who have control over lockable areas are required to take due care to prevent data breaches.

19. Secure Disposal

19.1 When disposal of items is necessary a suitable process is used. This is to secure the data, ensure that data is not shared in error or by malicious or criminal intent.

19.2 These processes, when undertaken by a third party are subject to contractual conditions to ensure GDPR and DPA compliance.

20. Complaints & the Information Commissioner Office (ICO)

20.1 The Complaints Policy deals with complaints about Data Protection. This is available on the website.

20.2 You have a right to complain if you feel that data has been shared without consent or lawful authority.

20.3 You can complain if you have asked to the Trust or your school to erase, rectify or not process data and we have not agreed to your request.

20.4 We will always try to resolve issues on an informal basis, and then through our formal complaints procedure.

20.5 In the UK it is the ICO who has responsibility for safeguarding and enforcing the DPA. Contact information:

Email:	casework@ico.org.uk
Helpline:	0303 123 1113
Web:	www.ico.org.uk
Address:	Information Commissioner's Office, Wycliffe House, Water Lane, Wilsmlow, Cheshire, DK9 5AF

21. Review

21.1 A review of the effectiveness of GDPR compliance and processes will be conducted by the Data Protection Officer every 2 years from the date of this policy.

Document management

Review cycle:	Every 2 years
Next review due:	May 2020
Trust Policy owner	Head of HR
Approving body:	Senior Leadership Team