



DATA PROTECTION POLICY

Title	Data Protection Policy
Version	2.3, May 2018
Created	Governance Committee/DPO
Validity	School Community (teachers, staff, volunteers, third parties, parents and students)
Next review date	May 2019 or sooner if required

1. General Statement of Policy

This policy has been amended to meet the requirements of the Data Protection Legislation, including the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA). The Data Protection Legislation regulates the use of personal data i.e. when personal data can be lawfully processed and how it should be processed. The School collects and uses personal data in order to enable it to provide educational services and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its legal obligations.

“Personal data” is information, which relates to a living individual who can be identified from that data, or from that data and other information, which is likely to come into the possession of, the data controller. For the purposes of the GDPR, the school is a data controller. It determines the purposes and means of processing personal data. Personal data includes, for example, any expression of opinion about the individual or by the individual that is recorded. For example, a teacher’s written assessment or opinion of a pupil’s performance will be personal data about that individual. Similarly, if the School Management’s notes that an employee has done training, that note will be personal data.

There is further a definition of “special categories” of “sensitive personal data”. It includes personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely



identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation. The presumption is that information about these matters, likely to be of a private nature, is treated with greater care than other personal data.

This policy aims to satisfy two principal aims. Firstly, to protect staff members', volunteers', pupils' or parents' (data subjects) rights under the Data Protection Legislation. Secondly, to ensure that the use of data by the school is managed transparently. In other words, to explain how the school uses and protects personal data.

2. Key Principles

How: The German School's policy is that its personal data will be:

1. Fairly and lawfully processed
2. Processed for limited purposes
3. Adequate, relevant and not excessive
4. Accurate and up to date
5. Only retained for as long as is necessary for the reasons it was collected
6. Processed in accordance with the data subject's rights
7. Held securely
8. Not transferred to other countries without adequate protection. The school will further notify data subjects prior to transferring any data outside the European Economic Area (this means data should under no circumstances be stored on basic, open or unprotected cloud drives or any other such drives that are not physically present in the school and these drives should not be backed up non-encrypted to cloud drives or other drives not present within the school. Computers on which data is manipulated should not have such non-local drives to prevent inadvertent storage of data on such cloud drives.)

Why: The German School will only process personal data where one of 6 'lawful bases' (legal reasons) to do so under data protection law apply:

- The data needs to be processed so that the German School can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the German School can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- The data needs to be processed so that the German School can perform a task in the public interest, and carry out its official functions
- The data needs to be processed for the legitimate interests of the school or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent



Special Categories: For special categories of personal data, the German School will also meet one of the special category conditions for processing which are set out in the Data Protection Legislation.

Consent: When the German School relies on consent as a basis for processing, it will obtain parental consent where the pupil is under 13 (except for counselling and preventive services). Whenever it first collects personal data directly from individuals, it will provide them with the relevant information required by data protection law.

The German School will only collect personal data for specified, explicit and legitimate reasons. It will explain these reasons to the individuals when it first collects their data.

If it intends to use personal data for reasons other than those given when first obtained, it will inform the individuals concerned before it does so, and seek consent where necessary.

3. Responsibilities

The Governors

The Governors share the ultimate responsibility for data protection management within the School Administration. They will ensure to monitor the effectiveness of the implementation of this policy on an annual basis and will revise it when necessary.

The Governors will ensure, with the assistance of the Head, that any changes in this policy will be drawn to the attention of all relevant employees and stakeholders.

The Headteacher

The Headteacher will be responsible to the Governors in respect of the following:

- Monitoring the effectiveness of this Policy and report back to the Governors at least annually, and from time to time when the need arises;
- Recommending changes in the Policy in the light of experience or changes in the legislation and guidance under it;
- Ensuring that all teaching staff understand their responsibilities under the Data Protection Legislation and are given both the time and the encouragement to pursue them;
- Taking steps to ensure that any changes in curriculum and systems of work are considered for their Data Protection implications.

The Data Protection Controller

In accordance with the Data Protection Legislation, the School itself is the “Data Protection Controller”. The school processes personal data relating to parents, pupils, staff, governors, visitors and others. On a day-to-day basis, this function is carried out by the Head of the School.

The Data Protection Officer

The German School appoints its Commercial Director as the nominated member of the senior non-teaching staff responsible for



- Undertaking the requisite training to have and maintain the necessary understanding of the GDPR and its requirements;
- overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.
- Acting as a first point of contact for individuals whose data the school processes, and for the ICO
- Reporting directly to the Head and Governors of the school annually, and as and when required, on the school's compliance with this policy;
- Identifying and managing the potential conflicts of interest between the existing role of Commercial Director and the DPO role;

The Commercial Director will also arrange Data Protection Audits (see below) to ensure policy procedures are followed in practice.

Heads of Department

The Heads of the KIGA/Pre-School, the Primary School, the Orientierungsstufe, the Sekundarstufe and the Oberstufe will be responsible for, and report to the Head to:

- Ensure that his/her part of the School is run according to this Policy.
- Co-operate with the Commercial Director to implement and monitor the Data Protection Policy.
- Ensure that the teachers working under them understand the practical aspects of this Policy and the Data Protection Legislation legal requirements applicable to them.

Authorised Staff

Members of staff, both teaching and non-teaching deal with the German School's data in order to undertake their normal duties. These staff are made aware of:

- their own responsibility for data protection compliance
- the criminal liabilities if they knowingly or recklessly disclose personal data or breach the German School Data Protection Policy.

Practical Implications: A serious breach of the Policy is a disciplinary offence, which could possibly result in dismissal and may also lead to sanctions imposed against the school by the Information Commissioner's Office (ICO). Fines are available for serious contraventions of the Data Protection Legislation. Enforcement notices requiring data controllers to comply with the data protection principles and information notices requiring data controllers to provide information about their processing operations may be made, as may undertakings committing a data controller to a particular course of action, and audits to assess a data controller's compliance.

General Staff

The school ensures that all staff members (teaching and non-teaching) are made aware of how data protection compliance impinges in practical terms on the way they perform their work and of the consequences of breaches.



By way of practical examples, staff should ensure that:

- Data about individuals is not to be removed from the School unless where necessary, for example to permit a teacher to prepare lessons, reports and mark exams at home.
- When data about individuals is taken outside the school, it should be transported securely.
- Sensitive personal data is to be transported outside the school only in securely locked form as agreed by the school.
- Any loss of data, and particularly loss of personal and/or sensitive personal data, is to be reported promptly.
- Members of staff will ensure that, when sensitive personal data is stored at their homes, reasonable steps are taken to keep it safe and confidential. Computers used should be encrypted/password protected.

It is the school's policy that any staff member or volunteer handling personal data on the School's behalf is to be trained or instructed to ensure that they act in compliance with the Data Protection Legislation and this Policy.

4. General Arrangements

Personal Data

Within the terms of the GDPR, German School holds personal data on (a) staff, (b) volunteers (c) parents and (d) pupils and former pupils (e) third parties including sponsors and contractors of the school.

Sensitive Personal Data

The GDPR sets out a series of conditions before an employer can collect, store, use, disclose or otherwise process sensitive personal data. The legal basis we would usually rely on in order to process sensitive personal data is explicit consent. We may also process such information on the basis that it is necessary for reasons of substantial public interest or to protect the vital interest of a pupil or another person.

For the German School, an example would be the completion of Disclosure and Barring Services checks or fingerprints taken for secure access. In certain circumstances and for official administrative reasons, data may be passed to a specific group of associated School organisations, i.e. German School Parents Assoc. In addition, the Commercial Director has the authority to pass on data to other School organisations as deemed necessary.

The School will take all reasonable steps to ensure that any third parties receiving such personal data comply with the principles of this policy.

Classification

There are different requirements for obtaining consent for the two categories of personal data. The disclosure of the special categories of data (sensitive personal data) will usually require clear, unambiguous written consent from the individuals concerned regarding the specific circumstances.



The German School's assessment of the information held classifies the majority of our data as non-sensitive. The processing of sensitive personal data is more strictly controlled by the Data Protection Legislation and, subject to a limited number of exceptions, requires the individual's explicit consent.

Data Protection Registration

German School is registered with the Notification Department of the ICO under Registration Number Z5573776.

This information is available on a public register (<https://ico.org.uk/ESDWebPages/Entry/Z5573776>).

Registration is renewed annually.

The Registration Entry document is held in the Commercial Director and available for inspection upon request. The Registration Entry document details all the notified purposes why German School retains data.

Staff Awareness and DPO Assistance: The School will ensure that staff members are aware of its policy to:

- Inform data subjects why the information is being collected when it is collected.
- Inform data subjects when their information is shared, and why and with whom it was shared (unless an exemption applies – please refer to the Data Protection Statement).
- 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

Staff should contact the DPO in the following circumstances:

- With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
- If they have any concerns that this policy is not being followed
- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties

**Consent**

The School holds various data and for each category, i.e. sensitive or non-sensitive. When required, care should be taken to ensure the correct type of consent is to be obtained.

Duration

An individual's consent to The German School holding relevant data is valid until that individual writes to The German School formally withdrawing their consent.

5. Sharing personal data

The German School will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- The school needs to liaise with other agencies – it will seek consent as necessary before doing this
- A suppliers or contractors needs data to enable the German School to provide services to its staff and pupils – for example, IT companies. When doing this, the School will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a contract with suppliers or contractors, which is compliant with GDPR
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with the German School

The German School will also share personal data with law enforcement and government bodies where it is legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy the German School's safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

The German School may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where the German School transfers personal data to a country or territory outside the European Economic Area, it will do so in accordance with data protection law.



6. Subject access requests and other rights of individuals

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the DPO. They should include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request they must immediately forward it to the DPO.

Pupils and subject access requests

For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 13 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 13 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our school may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.



Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee, which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

7. Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances



- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

8. Biometric recognition system

The German School uses pupils' biometric data as part of an automated biometric recognition system (pupils use finger prints to pay for school dinners instead of paying with cash the German School will comply with the requirements of the Protection of Freedoms Act 2012).

Parents/carers were notified before the biometric recognition system was put in place or before their child first took part in it. The school obtains the written consent from at least one parent or carer before for the biometric data from their child to be obtained and processed.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s).

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and the German School will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, the German School will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), the German School will also obtain their consent to take part in it. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

9. CCTV

The German School uses CCTV in various locations around the school site to ensure it remains safe. The German School adheres to the ICO's code of practice for the use of CCTV.

This data is managed by a small nominated group of staff and only passed on to third parties in response to emergency or security incidents. The school's CCTV system is in place for the following reasons:

- The prevention, investigation and detection of crime.
- The apprehension and prosecution of offenders (including use of images as evidence in criminal proceedings).
- Safeguarding public, pupil and staff safety.
- Monitoring the security of the site.

The school reviews the CCTV footage regularly and has a retention period of 2 weeks.



The German School does not need to ask individuals' permission to use CCTV, but does make it clear where individuals are being recorded. Security cameras are clearly visible and the German School displays prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Data Protection Officer.

10. Photographs and videos

As part of school activities, the German School may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers, or pupils aged 18 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we do not need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

See our safeguarding policy for more information on our use of photographs and videos.

As regards to photographs of public school events, it may not, however, be practicable or proportionate to ensure that each and every person there depicted has consented to the photograph being published. The school will, however, take reasonable efforts to ensure that such publications do not unduly infringe the privacy of any individuals attending its public events. The annual yearbook, made available to purchase internally to the school community, contains class photographs, and their inclusion is considered in the school's legitimate interests.

11. Data protection by design and default

The German School will put measures in place to show that it has integrated data protection into all of our data processing activities, including:

- Ensuring that the DPO has the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, in line with the data protection principles set out in relevant data protection law



- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Training members of staff on data protection law, this policy, any related policies and any other data protection matters; keeping a record of attendance
- Conducting reviews and audits to test privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - For all personal data, maintaining an internal record of the type of data, data subject, how and why the German School is using the data, any third-party recipients, how and why it is storing the data, retention periods and how it is keeping the data secure.

12. Data security and storage of records

The School will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media containing personal data, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment
- Where the German School needs to share personal data with a third party, it carries out due diligence and takes reasonable steps to ensure it is stored securely and adequately protected. For example, attachments containing the special categories of personal data are sent in a password protected electronic form.

13. Obsolete Data

If an individual judges that documents containing personal data are no longer required, he/she must shred the data on school premises. Staff are referred to the school's FAQ document for guidance on



retention. In cases of doubt, teaching staff should discuss matters first with the Head, and Administrative staff with the DPO. Members of staff are not to dispose of unshredded personal data documents in recycle or waste paper bins. Any computer discs holding data are not to be passed on or re-used without the disc being re-formatted.

The School may also use a third party to safely dispose of records on the school's behalf. If it does so, it will require the third party to provide sufficient guarantees that it complies with data protection law

14. Staff Records

The German School retains data on staff's personal records. All staff, teaching and non-teaching, receive a letter from the Commercial Director informing them that German School (a) retains their data and (b) on occasions, passes data to nominated affiliated German School organizations. Staff will be notified before any such data is transferred outside the European Economic Area. Individual staff members are required to write to the Managing Director if they are unwilling to accept this disclosure.

15. Enforcement

The ICO has the right of inspection of the German School Data Protection Policy, retained data and internal procedures. If the Commissioner considers a breach has occurred, enforcement action may be taken against the School. The Commissioner may also consider a criminal offence has been committed if the School has not undertaken their legal data management duties and prosecutions may be made against the School.

When there has been a breach of the school's data security, for example through loss of data or unauthorized use of the same, the breach should be reported to the DPO promptly. The Data Subject will be notified of the breach, if there is a high risk to their rights and freedom as a result of the breach, and the DPO will obtain prompt legal advice in respect of any consequent notification requirements to the ICO (see below).

16. Personal data breaches

The German School will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, the DPO will be alerted.

When appropriate, he will report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

- a. A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- b. Safeguarding information being made available to an unauthorised person
- c. The theft of a school laptop containing non-encrypted personal data about pupils



17. Training

All staff and governors are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

18. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and updated if necessary when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed every 2 years and shared with the full governing board.

19. Exclusions

This Policy excludes certain areas of Data Protection, which are governed by specific policies: It does not include procedures for the data protection in recruitment and selection of staff.

20. Distribution

This Policy will be made available on request to all staff, parents and individuals whose data is held by The German School and will be placed on the School's website. The policy will be held by Commercial Director.

The School will further give parents notice of its key intentions for handling and using data in the form of its Data Protection Statement in an English and German language form.