



The Haberdashers' Aske's Boys' School
Nurturing Excellence

Data Protection Policy

Policy Type	Statutory
Regulation	Data Protection Act 2018 General Data Protection Regulations 2018
Approval Committee	ITDC
Last Review	Summer 2021
Next Review	Summer 2022

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1 Related Information

1.1 Availability of Statutory Policies

All statutory policies are available on the School's website.

1.2 Statutory Guidance

This statutory policy has been reviewed in accordance with the following guidance:

Data Protection Act 1998 2018
General Data Protection Regulations 2018

1.3 Supporting Documents

The following related information is referred to in this policy:

CCTV Policy
Data Breach Policy
Acceptable Use Policy
Information Security Policy
Privacy Notice for Staff
Privacy Notice for Parents
Privacy Notice for Parents of Younger Students
Privacy Notice for Older Students

1.4 Terminology

Data Subject means an identifiable natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

GDPR means General Data Protection Regulations.

Parents includes one or both parents, a legal guardian, or education guardian.

Personal Data means any information relating to a Data Subject.

School means Haberdashers' Aske's Elstree Schools.

Special Category Data means data which is more sensitive and needs more protection, for example, information about an individual's race, ethnic origin, politics, religion, trade union membership, genetics, biometrics, health, sex life or sexual orientation.

Student or **Students** means any Student or Students in the School at any age.

2 Introduction

Haberdashers' Aske's Elstree Schools are committed to protecting the personal information of individuals when they use its services. This policy is to help its Students and Parents, understand why and how the School collects their personal information and for what purpose.

3 Statement and Scope of this Policy

The School collects and processes Personal Data of its Data Subjects and include current, former and prospective Students and their Parents.

This processing may include obtaining, recording, and storing, disclosing, destroying or otherwise using data that relates to the Data Subjects.

This policy is intended to provide information about how the School uses (or "processes") Personal Data, to ensure all such data is stored and processed accurately, securely and purposefully in a timely manner. The School shall take all reasonable steps to abide by the latest data protection legislation in accordance with this policy.

4 Registration as Data Controller

The School is registered as the Data Controller with the Information Commissioner's Office (ICO).

This information is provided in accordance with the rights of individuals under:

- Data Protection Act 2018
- General Data Protection Regulations 2018.

5 Key Principles of GDPR

The School will comply with the following principles set out by GDPR and ensure that Personal Data will be:

- Processed fairly, lawfully and in a transparent manner
- Collected for specified, explicit and legitimate purposes and not further processed for other purposes incompatible with those purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which data is processed

- Accurate and, where necessary, kept up to date
- Kept in a form that permits identification of Data Subjects for no longer than is necessary for the purposes for which the Personal Data is processed and
- Processed in a way that ensures appropriate security of the Personal Data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

6 Purpose

The School collects, stores and processes Personal Data in order to:

- Carry out its duties and manage its day to day operations as a provider of education and as an employer
- Support Student learning
- Monitor and report on Student progress
- Provide appropriate pastoral care
- Safeguard Students
- Provide a safe and secure environment
- Fulfil the School's contractual and legal obligations.

7 Data Collection

The School obtains this information by asking for details to be provided through forms and via other communication means including emails. The School may get information from the Data Subject directly, or from members of staff, other Students, relevant educational organisations and professionals such as doctors.

8 Personal Data held by the School

The School maintains paper and electronic records of Personal Data.

The School collects, stores and may share Personal Data including:

- Name, address, email and next of kin contact details
- Special Categories of Personal Data (such as race, ethnic origin, health and biometrics)
- Attendance information (such as lessons attended, number of absences and absence reasons)
- Photographs, recordings and other images

- Unique Student number, national curriculum assessment results, test scores, assessment and prior education information
- Financial information in relation to the payment of fees
- Expression of opinion about an individual and any indication of the intentions of the School or any other person in respect of the individual.

9 Privacy Notice and Fair Processing

The School will be transparent about the intended processing of data and will communicate these intentions via notifications to its Data Subjects prior to the processing of their data.

The School has published a Privacy Notice for Students and Parents and a separate Privacy Notice for staff, which describe why and how the School collects and uses Personal Data and provides information about individuals' rights.

10 Legal Basis for Processing Data

This section provides information about the legal basis for the School to process Personal Data:

- **Consent:** the Data Subject has given clear consent for the School to process their Personal Data for a specific purpose
- **Contract:** the processing is necessary for a contract the School has with the Data Subject, or because they have asked the School to take specific steps before entering into a contract
- **Legal obligation:** the processing of the data is necessary for the School to comply with the law (not including contractual obligations)
- **Vital interest:** the processing is necessary to protect someone's life
- **Public task:** the processing is necessary for the School to perform a task in the public interest or for the School's official functions, and the task or function has a clear basis in law
- **Legitimate interest:** the processing is necessary for the School's legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the Data Subject's Personal Data which overrides those legitimate interests.

11 Handling of Data

The scope of this policy extends to all School departments, employees, Students, relevant contractors and Parents who use or access the School's data assets and information systems.

Only staff with appropriate authorisations from the School have access to Personal Data.

The School may make use of Personal Data relating to Students and Parents in the following ways:

- **Photographs and recordings:** the School maintains a database of photographs and recordings for internal and external publications. This includes material of individuals engaged in activities and events in the interest of creating pictorial records as well as maintaining historical records. The School shall not utilise identifiable images for publications or other communication without prior consent.

The School may use Personal Data including CCTV recordings for the purposes of crime prevention and investigation and also in connection with its obligation to safeguard the welfare of Students, staff and visitors to the School site. Further information about the use of CCTV can be found in the School's CCTV Policy

- **Promotional purposes:** with prior consent from the Data Subjects, data may be used for fundraising or promotional purposes and to maintain contact with individuals including Students, Parents and alumni for development and marketing purposes
- **Authorised disclosures of Personal Data to third parties:** any information which falls under Personal Data, and is not otherwise exempt, will remain confidential and will be disclosed to third parties only with the consent of the appropriate individual or under the terms of this policy. In order to send out School publications, contact details of the individuals may need to be shared with trusted suppliers.

The School may process some Personal Data for research, statistical information and reporting. This will not identify the Student unless prior consent has been obtained.

12 Exemptions

There may be circumstances where the School is required either by law or other authorities such as the Police or the Local Authority Designated Office, to pass information externally.

This may include but is not limited to information which identifies individuals, information which the School reasonably believes is likely to cause damage or distress, or information which is subject to legal professional privilege or is relevant to the prevention or detection of crime.

Data may be disclosed to authorities in respect of educational records. The School is not required to disclose any Student examination scripts. The School will treat as confidential any reference given by the School for the purpose of the education, training or employment, or prospective education, training or employment of any Student.

The School shall be at liberty to disclose facts to an educational establishment, which the Student may be transferred to, is subsequently attended by the Student or to which application for a place has been made.

There may be medical circumstances under which the School's authorised staff may need to disclose data without the express consent of the individual. These circumstances may include an emergency in the School such as a medical emergency or to prevent or detect crime.

13 Data Transfer

Personal Data transfers outside the School are carefully considered and all steps are taken to ensure the security of the data. Data is only transferred to trusted organisations who are compliant with the latest data protection legislation.

14 Data Retention and Record Keeping

The School has a duty to retain Personal Data for a period of time for legal and other legitimate reasons. Some data will be retained following a Student's departure from the School.

The School's guidance on data retention defines the length of time for which Personal Data and records are kept.

15 Accountability and Staff Responsibilities

15.1 All staff

All School staff in whatever role or level within the organisation including governors, volunteers, relevant contractors and temporary staff working for the School have the responsibility to abide by this policy.

All staff involved with the collection, processing and disclosure of Personal Data will be aware of their duties and responsibilities by following the guidelines and information will be shared on a need to know basis.

15.2 Director of Finance and Operations

The Director of Finance and Operations has the overall responsibilities for data protection within the School.

15.3 Deputy Director of Operations

The Deputy Director of Operations has the delegated responsibility for overseeing this Data Protection Policy and ensuring compliance with all relevant data protection legislation and is responsible for ensuring that processes are in place to safeguard the integrity of the School's data.

16 Ensuring Compliance

Training and guidance to comply with the latest data legislation is provided to all staff. All new staff will be trained on the data protection requirements as part of their induction.

Additional group and individual training sessions are provided as required.

17 Data Subject Rights

The GDPR provides the following rights for Data Subjects:

- the right to be informed about the collection and use of their personal data
- the right to access their Personal Data
- the right to have inaccurate Personal Data rectified, or completed if it is incomplete
- the right to have Personal Data erased
- the right to request the restriction or suppression of their personal data. This is not an absolute right and only applies in certain circumstances
- The right to data portability which allows Data Subjects to obtain and reuse their Personal Data for their own purposes across different services. This right only applies to information a Data Subject has provided to the School
- The right to object to the processing of their Personal Data in certain circumstances, for example, for direct marketing
- Rights in relation to automated decision making (making a decision solely by automated means without any human involvement) and profiling (automated processing of Personal Data to evaluate certain things about a Data Subject).

18 Accuracy

The School endeavours to ensure that all Personal Data held is up to date and accurate. Data Subjects should inform the School of any changes to personal details. An individual has the right to request that any incorrect data about them is rectified or corrected.

19 Right of Access

Individuals have the right of access to their personal information, held by the School, within a reasonably practical timescale in line with the latest legislation. The School will verify the identity of the person making the request before any information is supplied.

An individual should make this request in writing to the School.

20 Right to Erasure

Individuals hold the right to request the deletion or removal of Personal Data where there is no compelling reason for its continued processing.

21 Data Breach and Complaints Procedure

If an individual believes that the School has not complied with this notice or acted otherwise in accordance with the data protection legislation, or believes that a data breach has occurred, they should contact the Director of Finance and Operations in writing.

The School will take all steps possible to ensure that it is rectified or corrected. All notifiable breaches will be reported to the relevant supervisory authority within the necessary time frame and guidelines.

If an individual believes that the School has not complied with their data protection rights, they have the right to make a complaint to the ICO. The ICO is the UK supervisory authority for data protection issues.

22 Audit and Review

To ensure compliance with the latest data protection legislation, the School will undertake periodic audits of systems and business processes to identify areas of non-compliance or improvement.

This policy will be reviewed periodically and updated in accordance with changes in legislation.