



# GDPR Data Protection Policy

Heyford Park Free School

## Introduction

Heyford Park Free School is committed to conducting its' business in accordance with all applicable Data Protection laws and regulations and in line with the highest standards of ethical conduct.

This policy sets out the expected behaviours of staff and third parties in relation to the collection, use, retention, transfer, disclosure and destruction of any personal data belonging to a child, parent or guardian (i.e the Data subject).

Personal Data is any information (including opinions and intentions) which relates to an identified or identifiable person. Personal data is subject to legal safeguards and other regulations, which imposes restrictions on how we as a school may process personal data.

An organisation that handles personal data and makes decisions about its use is known as a Data Controller. Heyford Park Free School as a Data Controller, is responsible for ensuring compliance with the data protection requirements outlined in this policy. Non-compliance may result in complaints, regulatory action, fines and/or reputational damage.

Heyford Park Free School's leadership is fully committed to ensuring continued and effective implementation of this policy, and expects all Heyford Park employees and third parties to share this commitment. Any breach of this policy will be taken seriously and may result in disciplinary action.

## Scope

This policy applies where a Data Subject's Personal Data is processed.

- For the provisions of services to individual children, parents, guardians, staff and third parties to the school.
- To actively monitor the progress , development and behaviour of individual children using the data collected
- Using data to make decisions on individual children requiring further educational assistance
- Using data gathered to ensure adequate and suitable staffing provision.
- To refer individuals to third parties providing services which the school feel is necessary for the child's development and educational needs.

This policy applies to all processing of personal data in electronic form or where it is held in manual files that are structured in a way that allows ready access to information about individuals.

This policy has been designed to establish a standard for the processing and protection of Personal Data by all Heyford Park Free Staff and third parties.

## Definitions

EMPLOYEE	An individual who works part time or full time for Heyford Park Free School under a contract of employment and has recognised rights and duties. Includes temporary employees and independent contractors.
THIRD PARTY	An external organisation with which Heyford Park Free School conducts business and is authorised to under the direct authority of Heyford Park Free School to process the data of children and staff.
PERSONAL DATA	Any information which relates to an identified or identifiable person.
CONTACT	Any past, current or prospective Heyford Park Free School, student, Parent, Guardian, Staff member or Third Party.
IDENTIFIABLE PERSON	Anyone who can be identified, directly, indirectly, in particular by reference to an identifier such as name or identification number, location data or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that person.
DATA CONTROLLER	A Person, Public Authority, Agency or other body which alone or working collaboratively with others, determines the purposes and means of processing personal data.
DATA SUBJECT	The identified or identifiable person to which the data refers.
PROCESS, PROCESSED, PROCESSING	Any operation performed on personal data or on sets of personal data. Operations may include collection, recording, organising, structuring, storage, adaptation, alteration, retrieval, consultation, use, making available, erasure or destruction.
DATA PROTECTION	The process of safeguarding personal data from unauthorised or unlawful disclosure, access, alteration, processing, transfer or destruction.

DATA PROTECTION  
AUTHORITY

An independent public authority responsible for monitoring the processing of the relevant data protection regulation in line with national law.

DATA PROCESSORS

A natural or legal person, public authority, agency or other body which processed personal data on behalf of the data controller.

CONSENT

Any freely given, specific, informed and unambiguous indication of the data subjects's wishes by which he or she by a statement of by clear affirmative action, signifies the agreement to the processing of personal data relating to him or her.

PERSONAL DATA  
BREACH

A breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

ENCRYPTION

The process of converting information or data into code, to prevent unauthorised access.

ANONYMISATION

Data amended in such a way that no individuals can be identified from the data by any means or any person.

# Policy

## Governance

### Data Protection Officer (DPO)

To ensure our commitment to Data Protection and manage the effectiveness of our compliance, HeyfordPark Free School has an appointed Data Protection officer.

The Data Protection Officer is appointed as a suitably skilled individual who is a member of the Senior Leadership Team in school and reports directly to the school Principal.

The appointed DPO's duties will include:

- Informing and advising Heyford Park Free School and its' employees who process data of the Data Protection Regulations and National Law.
- Ensuring appropriate alignment of this policy with Data Protection regulations
- Carrying out Data Protection Impact Assessments (DPIAs)
- Acting as a point of contact for cooperating with Data Protection Authorities ( DPAs)
- Notifying one or more DPAs as a result of a data breach
- Keeping staff and parents up to date with the school's current and intended Personal Data processing policies.
- Looking after Data Subject requests
- Informing the Senior Leadership Team of any potential corporate, civil and criminal penalties which may be held against Heyford Park Free School for a violation of Data Protection Laws.
- Ensure effective procedures and standards are set to comply with this policy at all times, by any third party who;  
Provides Personal Data to Heyford Park Free School  
Receives Personal Data from Heyford Park Free School  
Has access to Personal Data collected and processed by Heyford Park Free School

## **Distribution and Enforcement of the Policy**

The Senior Leadership Team must ensure that all employees of Heyford Park Free School, responsible for processing of Personal Data are aware and comply with the contents of this policy.

In addition to this Heyford Park Free School will make sure that all Third Party Companies engaged in the processing of Personal Data on their behalf (Data Processors) are aware and comply with the contents of this policy. Third parties must give assurance of compliance to this policy, before giving them access to Personal Data controlled by Heyford Park Free School.

## **New Processes and Systems - Data Protection Assessment.**

Prior to implementing a new process or system in school a Data Protection Impact Assessment (DPIA) must be carried out. The findings of the DPIA must then be taken through an approval process.

An approval process will involve the DPO, Senior Leadership Team and Board of Governors, to ensure that Data Protection requirements are being met.

## **Compliance monitoring**

To confirm that an adequate level of compliance is being delivered consistently throughout the school, The DPO will carry out an annual Data Protection audit. The audit will assess

### **Policy**

- Assignment of responsibility
- Awareness of the policy
- Training of employees

### **Effectiveness of practices**

- Data Subject rights
- Personal Data transfers
- Personal Data incident management
- Personal Data complaints handling

### **Across the school**

- Level of understanding of Data Protection and Privacy Notices
- Accuracy of Personal Data being stored
- The conformity to Data processing activities
- Best practice and addressing areas of poor compliance and Personal Data Breaches

## Data Protection Principles

Heyford Park Free School has adopted the following principles to govern collection, use, retention, transfer, disclosure and destruction of Personal data:

### **Lawfulness, Fairness and Transparency**

Personal data will be processed lawfully, fairly and in a transparent manner in relation to the Data Subject. The school will inform the Data Subject what Processing will occur (transparency) and it must match the description given to the Data Subject (fairness) and it must be for one of the specified purposes applicable within the Data Protection regulation (lawfulness).

### **Purpose Limitation**

Data will be collected for specific explicit and legitimate purposes. Heyford Park Free School will specify exactly what the Personal Data is being collected for.

### **Data Minimisation**

Personal Data will be relevant and limited to what is necessary for the reasons for which they are being processed. Data must not be stored for anything beyond what is required.

### **Accuracy**

Personal Data will be accurate and kept up to date. Heyford Park Free School will identify, address and process out of date, incorrect and redundant Personal Data.

### **Storage limitation**

Personal Data will be stored for no longer than is necessary for the purposes for which the data is being processed. Personal Data will be stored in a way that limits or prevents identification of the Data Subject.

### **Integrity and Confidentiality**

Personal data will be processed in a manner that guarantees appropriate security of the Personal Data, including protection against unauthorised or unlawful processing. It will also protect Personal Data against accidental loss, destruction or damage. Heyford Park Free School will use appropriate technical and organisational measures to ensure the integrity of the data.

### **Accountability**

The DPO will be responsible for and be able to demonstrate compliance. This means Heyford Park Free School must be able to demonstrate the Data Protection Principles laid out above are met for all Personal Data that it is responsible for.

## Data Collection

Personal Data should only be collected from the Data Subject if one of the following apply:

- The collection must be carried out in emergency circumstances, to protect the vital interests of the Data Subject or to prevent serious loss or injury to another person. ( i.e. Emergency Services)
- The business purpose requires collection of Personal Data from other bodies ( i.e. School Transfers)

If Personal data is collected from someone other than the Data Subject , the Data Subject must be informed of its' collection, unless:

- The information must remain confidential to a professional secrecy obligation
- A national law expressly provides for the collection, processing or transfer of the Personal Data.

If the data Subject needs to be notified, this must occur promptly and no later than one month from the first collection of Personal Data or at the time of disclosure if disclosed to another recipient.

### Data Subject Consent

Heyford Park Free School will obtain Personal Data only by lawful and fair means and where appropriate with the knowledge and consent of the individual concerned. Where a need to request consent is necessary, it is given by the individual prior to the use of Personal Data.

A System for obtaining and documenting Data Subject Consent for the collection of processing and/or transfer of Personal Data is in place to:

- Determine when disclosure should be made in order to gain valid consent.
- Ensure request for consent is presented in a manner which is clear, uses plain language and in a easily accessible form.
- Ensure consent is freely given
- Providing a simple method for the Data Subject to withdraw their consent at any time.

### Data Subject Notification

Heyford Park Free School will provide Data Subjects with information as to the purpose of the Processing of their Personal Data, when applicable by law, contract or where it considers reasonable appropriate to do so.

When the Data Subject is asked to give consent to the processing of Personal Data all appropriate disclosures will be made, unless the Data Subject already has the information or a legal exemption applies.

Disclosure may be given orally, electronically or in writing. If given orally the person making the disclosure must use a suitable script approved in advance by the DPO. All records must be retained with the facts, date, content and method of disclosure.

### **External Privacy Notices**

The Heyford Park Free School website will include an online "Privacy Notice" and an online "Cookie Notice" fulfilling the requirements of applicable law.

## **Data Processing**

Heyford Park Free School uses the Personal Data for the following broad purposes:

### **Children**

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing

### **Staff**

- To enable the development of a comprehensive picture of the workforce and how it is deployed
- To inform the development of recruitment and retention policies
- To enable individuals to be paid

All the above will be processed in accordance with the applicable laws. Heyford Park Free School will not process Personal Data unless at least one of the following requirements are met:

- The Data Subject has given consent to processing of their Personal Data for one or more specific purposes.
- Processing is necessary for compliance with a legal obligation
- Processing is necessary to protect the vital interests of the Data Subject

In any circumstance where consent has not been given for specific processing, Heyford Park free School will determine the fairness and transparency of any processing beyond the original purpose for which the Personal Data was collected.

- Any link between the purpose for which the Personal data was collected and the reasons for intended further processing.
- The context in which Personal Data has been collected in particular regarding the relationship between Data Subject and Data Controller.
- The nature of the Personal Data, in particular whether Personal data related to criminal convictions and offences are being processed.



- The existence of appropriate safeguards pertaining to further processing, which may include Encryption and/or Anonymisation.

### **Children's Data**

Children are unable to consent to the processing of Personal Data. Consent must be sought from the person who holds parental responsibility over the child. However, where processing is lawful under other grounds, consent need not to be obtained from the holder of parental responsibility.

### **Special Categories of Data**

Heyford Park Free School will only process Special Categories of Data (also known as sensitive data), where the Data Subject expressly consents to such Processing or where one of the following conditions apply:

- The processing relates to Personal Data which has already been made public by the Data Subject
- The processing is necessary for the establishment, exercise or defence of legal claims.
- The processing is specifically authorised or required by law.
- The processing is necessary to protect the vital interest of the Data Subject or of another natural person where the Data Subject is physically or legally incapable of giving consent.
- Further conditions including limitations, based upon national law related to the processing of generic data, biometric data or data concerning health.

### **Data Quality**

Heyford Park Free School will adopt measures to ensure that the Personal Data it collects and processes is complete and accurate.

The measures taken out to ensure this are:

- Correcting Personal Data known to be incorrect, inaccurate, incomplete, misleading or outdated.
- Keeping Personal Data only for the period necessary to the statutory retention period.
- The removal of Personal data if no longer required.

### **Data Retention**

To ensure Fair Processing, Personal data will not be retained by Heyford Park free School for longer than necessary in relation to the purpose for which it was originally collected, or for which it was further processed.

The length of time Heyford Park Free School needs to retain records for is laid out in the school's retention schedule. All Personal data should be deleted or destroyed as soon as possible where it has been confirmed that there is no longer a need to retain it.

## Data Protection

Heyford Park Free School will make sure that all physical, technical and organisational measures are in place to ensure the security of Personal Data. This includes preventing the loss or damage, unauthorised alteration, access and processing of Personal Data.

The security measures are as follows:

- Prevent unauthorised persons from gaining access to data processing systems in which Personal Data is processed.
- Prevent persons entitled to use data processing systems from accessing Personal Data beyond their needs and authorisations.
- Ensure that Personal Data in electronic format transferred cannot be read, copied, modified or removed without authorisation.
- Ensure that access logs are in place to establish whether and by whom Personal Data was entered into, modified on or removed from the data processing system.
- Ensure Personal Data is only Processed as set out by the Data Controller ( Heyford Park Free School).
- Ensure that Personal Data is protected against undesired destruction or loss.
- Ensure that Personal Data collected for different purposes can, and is processed separately.
- Ensure that Data is not kept for longer than necessary.

## Data Subject Requests

The Heyford Park Free School, DPO will be responsible for handling all Data Subject Requests which relate to:

- Information Access
- Objection to Processing
- Objection to automated decision-making and profiling
- Restriction Processing
- Data portability
- Data rectification
- Data erasure

If an individual makes a request relating to any of the above, Heyford Park Free School will consider each request in accordance with all applicable Data Protection laws and legislation. No administration fee will be charged.

Data Subjects are entitled to make a request in writing to Heyford Park Free School and under the successful verification of their identity, the following information about their own Personal Data can be shared.

- Purpose for which their Personal Data is being stored and the use of this.
- The source of the Personal Data if not obtained from the Data Subject.
- The categories of Personal Data stored.
- The planned period of storage for the Personal Data and the reasons for this.

In some cases a situation may arise where providing the information to a Data Subject would disclose Personal Data about another individual. In these cases information must be redacted and withheld to protect that person's rights.

## Law enforcement

At certain times it is permitted that Personal Data be shared without the consent of the Data Subject's knowledge or consent. This is the case where disclosure of the Personal data is necessary for any of the following purposes:

- The prevention and detection of crime
- The apprehension or prosecution of offenders
- The assessment or collection of a tax or duty
- By the order of a court or by any rule of law.

## Data Protection Training

All staff at Heyford Park Free School will have their responsibilities lined out to them as part of their staff induction and will be provided with regular Data Protection training and procedure guidance.

The training will cover:

- Data Protection Principles
- A staff member's duty to use and permit the use of Personal data only by authorised persons and for authorised purposes.
- The need for and proper use of, the forms and procedures used to adopt this policy.
- The correct use of passwords, security features and access mechanisms.
- The importance of limiting access to Personal Data such as using password-protected screensavers, logging out of systems fully.
- Securely storing manual files, print outs and electronic storage media.
- The need to obtain appropriate authorisation and utilise appropriate safeguards for all transfers of Personal Data outside of the internal networks and physical office premises.
- Proper disposal of Personal Data using secure shredding facilities

## Data Transfers

Heyford Park Free School may only transfer Personal data when:

- The Data Subject has given consent to the proposed transfer
- The transfer is necessary for the performance of a contract with the Data Subject
- The transfer is necessary for the implementation of pre-contractual measures taken in response to the Data Subject's request.
- The transfer is necessary for the conclusion or performance of a contract concluded with a Third Party in the interest of the Data Subject.
- The transfer is legally required on important public interest grounds.
- The transfer is necessary for the establishment, exercise or defence of legal claims.
- The transfer is necessary in order to protect the vital interests of the Data Subject.

When transferring Personal Data to a Third Party, employees must:

- Ensure the Third Party is considered a Data Controller or a Data Processor of the Personal data being transferred.
- Only transfer the minimum amount of Personal Data necessary
- Ensure adequate security measures are used to protect the Personal data during the transfer. (including password protection and encryption where necessary).

Where the Third Party is a Data Controller, Heyford Park Free School will enter into an appropriate agreement with the Controller to clarify each party's responsibilities in respect to the Personal Data transferred. The agreement must require the Data Processor to protect the Personal Data from further disclosure and only to process Personal Data in compliance with the instructions laid out by Heyford Park Free School.

## Complaints Handling

Data Subjects wishing to raise a complaint about the processing of their Personal Data should put forward in writing to the DPO. An investigation of the complaint will then be carried out. The DPO will inform the Data Subject of the progress and the outcome of the complaint within a reasonable period.

## Breach Reporting

Any individual who suspects that a Personal Data Breach has occurred due to the theft or exposure of Personal Data, should immediately contact the DPO at Heyford Park Free School, providing a description of what occurred. Notification of the incident can be made via email to [ldumbill@heyfordparkfreeschool.org](mailto:ldumbill@heyfordparkfreeschool.org) or by calling 01869 232 203.

Heyford Park Free School will investigate all reported incidents to confirm whether a Personal Data Breach has occurred. If a Personal Data Breach is confirmed Heyford Park Free School and the DPO will follow the relevant authorised procedure based upon the Personal Data involved. For sever

Personal Data breaches Heyford Park Free School will chair an emergency response team to manage the Personal Data Breach response.

All questions surrounding this policy should be addressed to the DPO: Lorraine Dumbill.

[ldumbill@heyfordparkfreeschool.org](mailto:ldumbill@heyfordparkfreeschool.org)

This policy shall be available to all Heyford Park Free School employees on SharePoint and used within GDPR training.

**Effective Date of policy:** 25.01.2018

**Related Documents:**

Privacy Policy

School's Retention Schedule