



COURTLANDS

Independent Special School

Courtlands Independent Special School
GDPR Policy

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RELATED POLICIES

Courtlands Independent Special School also adopts the following policies that relate to the Data Protection Policy:

- E-safety Policy
- Data Retention Schedule

INTRODUCTION

Courtlands Independent Special School is committed to being transparent about how it collects and uses the personal data of its staff, children, parents and carers, and to meeting its data protection obligations.

This policy sets out Courtlands Independent Special School's commitment to data protection and individual rights and obligations in relation to personal data.

Courtlands Independent Special School has appointed (will designate asap).....as its Data Protection Officer. Their role is to inform and advise Courtlands Independent Special School on its data protection obligations.

DEFINITIONS

Personal Data

Any information that relates to an individual who can be identified from that information.

Processing

Any use that is made of data, including collecting, storing, amending, disclosing or destroying it.

Special categories of personal data

Means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and biometric data.

Criminal records data

Means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

DATA PROTECTION PRINCIPLES

Courtlands Independent Special School processes personal data in accordance with the following data protection principles:

- Courtlands Independent Special School processes personal data lawfully, fairly and in a transparent manner.
- Courtlands Independent Special School collects personal data only for specified, explicit and legitimate purposes.

- Courtlands Independent Special School processes personal data only where it is adequate, relevant and limited to what
- is necessary for the purposes of processing.
- Courtlands Independent Special School keeps accurate personal data and takes all reasonable steps to ensure that
- inaccurate personal data is rectified or deleted without delay.
- Courtlands Independent Special School keeps personal data only for the period necessary for processing.
- Courtlands Independent Special School adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage.

Courtlands Independent Special School tells individuals the reasons for processing their personal data, how it uses such data and the legal basis for processing in its privacy notices. It will not process personal data of individuals for other reasons.

Where Courtlands Independent Special School processes special categories of personal data or criminal records data to perform obligations or to exercise rights in employment law, this is done in accordance with the

General Data Protection Regulation (GDPR).

Courtlands Independent Special School will update personal data promptly if an individual advises that their information has changed or is inaccurate and data gathered is held in:

- The individual's personnel file (in hard copy or electronic format, or both)
- On HR systems
- In child files
- Information management systems – CPoms, Online Single Central Record

The periods for which Courtlands Independent Special School holds personal data are contained in its privacy notices/retention schedule and Courtlands Independent Special School keeps a record of its processing activities in respect of personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

PRIVACY NOTICES

Courtlands Independent Special School has a duty to check that staff, children, parents and carer's information is accurate and up to date. It fulfils this by sending out a data collection form to parents/carers/staff on an annual basis.

This form will also include a privacy notice which outlines:

- Who we are (including our contact details);
- The contact details of our Data Protection Officer;
- The purpose of Courtlands Independent Special School processing data;
- The legal basis for processing data; and
- Who this data will be shared with.

Data Retention

Courtlands Independent Special School maintains a retention schedule which can be found on Courtlands Independent Special School website.

This retention schedule is based on guidance from the information and records management society and it encompasses records managed by all types of school – some of the file descriptions listed may not be relevant to every school.

Individual Rights

As a data subject, individuals have a number of rights in relation to their personal data. Subject Access Requests Individuals have the right to make a subject access request. If an individual makes a subject access request, Courtlands Independent Special School will tell them:

- Whether or not their data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from the individual;
- To whom their data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- For how long their personal data is stored (or how that period is decided);
- Their rights to rectification or erasure of data, or to restrict or object to processing;
- Their right to complain to the Information Commissioner if they think Courtlands Independent Special School has failed to comply with their data protection rights;
- and whether or not Courtlands Independent Special School carries out automated decision-making and the logic involved in any such decision-making (i.e. e-recruitment software.)

Courtlands Independent Special School will also provide the individual with a copy of the personal data undergoing processing. This will normally be in electronic form if the individual has made a request electronically, unless they agree otherwise.

To make a subject access request, the individual should complete the relevant form/send the request to businessmanager@courtlands-school.co.uk. In some cases, Courtlands Independent Special School may need to ask for proof of identification before the request can be processed. Courtlands Independent Special School will inform the individual if it needs to verify their identity and the documents it requires.

Courtlands Independent Special School will normally respond to a request within a period of one month from the date it is received. In some cases, such as where Courtlands Independent Special School processes large amounts of the individual's data, it may respond within three months of the date the request is received. Courtlands Independent Special School will write to the individual within one month of receiving the original request to tell them if this is the case.

If a subject access request is manifestly unfounded or excessive, Courtlands Independent Special School is not obliged to comply with it. Alternatively, Courtlands

Independent Special School can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which Courtlands Independent Special School has already responded. If an individual submits a request that is unfounded or excessive, Courtlands Independent Special School will notify them that this is the case and whether or not it will respond to it.

Other Rights

Individuals have a number of other rights in relation to their personal data. They can require Courtlands Independent Special School to:

- Rectify inaccurate data;
- Stop processing or erase data that is no longer necessary for the purposes of processing;
- Stop processing or erase data if the individual's interests override Courtlands Independent Special School's legitimate grounds for processing data (where Courtlands Independent Special School relies on its legitimate interests as a reason for processing data);
- Stop processing or erase data if processing is unlawful; and
- Stop processing data for a period if data is inaccurate or if there is a dispute about whether or not the individual's interests override Courtlands Independent Special School's legitimate grounds for processing data.

To ask Courtlands Independent Special School to take any of these steps, the individual should send the request to

head@courtlands-school.co.uk

DISCLOSURE OF PERSONAL INFORMATION

Information Sharing with Professionals Working with Children

Information sharing between professionals is vital to ensure the wellbeing of Children.

Courtlands Independent Special School will follow the “**7 golden rules of Information Sharing**” described by the DfE:

- 1. Remember that the DPA/GDPR is not a barrier to sharing information**
- 2. Be open and honest with the person or family**
- 3. Seek advice if you are in any doubt**
- 4. Share with consent where appropriate**
- 5. Consider safety and well-being**
- 6. Necessary, proportionate, relevant, accurate timely, and secure**
- 7. Keep a record of your decision and reasons**

Information sharing: advice for practitioners (publishing.service.gov.uk)

Access to Pupils Records

Parents have two distinct rights to access information about their child held by a school. These rights are:

1. The parent's right of access to their child's educational record under The Education (Pupil

Information) Regulations 2005. A link to this document can be found here:

<http://www.legislation.gov.uk/ukxi/2005/1437/contents/made>

2. The pupil's right of subject access

A child or young person will always be the owner of their personal information however if a young person is incapable of making their own decisions which is generally accepted as under the age of 12, the primary carer or guardian would act on their behalf. This authority is only extended to functions that are in the 'best interests' of the child or young person. Courtlands Independent Special School will respond to a subject access request within one calendar month. If this request comes from someone other than the individual, Courtlands Independent Special School will consider the capability of the individual and also must ensure the requester is acting in the best interests of the individual.

Requests for information from pupils, or parents, for information that contains, wholly or partly, an educational record must receive a response within 15 school days. Under the Regulations, requests from parents to view their child's educational record will be dealt with by the school's leadership team. All other requests for personal information from the pupil, or someone acting on their behalf, will be dealt with by the Head Teacher on behalf of Courtlands Independent Special School.

International Data Transfers

Courtlands Independent Special School will not transfer personal data to countries outside the EEA. If we are required to contact countries outside of the EEA, we will contact you for your consent to do so.

Data Security

Courtlands Independent Special School takes the security of personal data seriously. Courtlands Independent Special School has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where Courtlands Independent Special School engages third parties to process personal data on its behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

An Information Risk Register will be created and maintained by Courtlands Independent Special School which summarises each information asset Courtlands Independent Special School maintains.

Appropriate measures will be taken to mitigate the risk of disclosure of each information asset based on the impact level assigned. The information risk register can be found by request from the School.

Privacy Impact Assessments

Some of the processing that Courtlands Independent Special School carries out may result in risks to privacy. Where processing would result in a high risk to individual's rights and freedoms, Courtlands Independent Special School will carry out a data privacy impact assessment to determine the necessity and proportionality of processing.

This will include considering the purposes for which the activity is carried out, the risks for individuals and the measures that can be put in place to mitigate those risks.

Data Breaches

If Courtlands Independent Special School discovers that there has been a breach of personal data that poses a risk to the rights and freedoms of individuals, it will report it to the Information Commissioner within 72 hours of discovery. Courtlands Independent Special School will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, it will tell individuals that there has been a breach and provide them with information about its likely consequences and the mitigation measures it has taken.

Individual Responsibilities

Individuals are responsible for helping Courtlands Independent Special School keep their personal data up to date. Individuals should let Courtlands Independent Special School know if data provided to Courtlands Independent Special School changes, for example if an individual moves house.

Individuals may have access to the personal data of other individuals in the course of their employment. Where this is the case, Courtlands Independent Special School relies on individuals to help meet its data protection obligations.

Individuals who have access to personal data are required:

- To access only data that they have authority to access and only for authorised purposes;
- Not to disclose data except to individuals (whether inside or outside Courtlands Independent Special School) who have appropriate authorisation;
- To keep data secure (for example by complying with rules on access to premises, computer access, including password protection, and secure file storage and destruction);

- Not to remove personal data, or devices containing or that can be used to access personal data, from Courtlands Independent Special School's premises without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under Courtlands Independent Special School's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing data without authorisation or a legitimate reason to do so, may constitute gross misconduct and could lead to dismissal without notice.

TRAINING

Courtlands Independent Special School will provide training to all individuals about their data protection responsibilities as part of the induction process and at regular intervals thereafter.

Individuals whose roles require regular access to personal data, or who are responsible for implementing this policy or responding to subject access requests under this policy, will receive additional training to help them understand their duties and how to comply with them.

ROLES AND RESPONSIBILITIES

The Senior Information Risk Owner (SIRO) for Courtlands Independent Special School is Abbie Simmonds.

They are responsible for:

- Owning and updating this policy
- Owning the risk register
- Advocating information risk management and raising awareness of information security issues

All staff are responsible for ensuring that information is managed according to this policy.