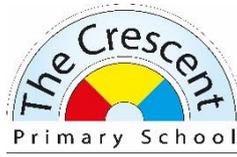


The Crescent Primary School - Data Protection Policy

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1. What is the purpose of this policy?

Under data protection legislation, The Crescent Primary School (the Academy) is the data controller of the personal information we hold. The Academy designates the Head Teacher as its representative regarding the protection of data.

The postal address of the Academy is: The Crescent Primary School, The Crescent, Croydon, Surrey, CR0 2HN. For queries, please contact the school office on 020 8684 8283 or by email at Office@thecrescent.croydon.sch.uk.

The Academy is required to keep and process personal information about its pupils, families and staff in accordance with its legal obligations. This information will be processed in accordance with the EU General Data Protection Regulation 2018 (GDPR).

The Academy may, from time to time, be required to share personal information with other organisations, including the Local Authority (LA), Department for Education (DfE,) other schools, and relevant bodies who provide services to the Academy.

This policy will outline the legal framework, practices and processes used in the Academy with regards to the proper collection, processing and retention of personal data we hold.

A summary of this Data Protection Policy is provided in our Privacy Notices which can be downloaded from the Academy website www.thecrescentprimaryschool.co.uk or is available on request from the school office.

This document is a working document and will be regularly updated (at least once per year) to reflect changes in the working practices of the Academy. Please ensure that you access the most recent version of this document either through the website or by contacting the school office.



2. Why do we collect and use data?

The Crescent Primary Academy is a charitable trust registered in England and Wales. The Academy is a publicly funded body responsible for providing state education of children. The Academy is required by law to comply with legislation including, but not limited to, the following:

- The Education (Pupil Information) (England) Regulations 2005 (amended 2016)
- The School Standards and Framework Act 1998
- The General Data Protection Regulation 2018 (GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004

This policy will underpin all data processing activities within the Academy and makes reference to the following other Academy policies:

- ICT Acceptable Use Policy
- ICT and Computing Policy
- Freedom of Information Policy
- Internet Access Policy

The Academy uses the information it holds in order to:

- Support the teaching and learning of pupils and staff
- Monitor and report on progress and achievement
- Provide appropriate care and safeguarding for pupils and staff
- Assess the quality of our service
- Comply with our legal obligations

3. What data is covered by this policy?

The Academy recognises the following categories of data which are collected and processed by the Academy. This policy applies to both personal data held electronically and data stored in paper records in our filing systems. Personal data may be processed according to specific criteria, including chronologically ordered data and data which has been pseudonymised.

Personal data is information that relates to an identifiable, living individual; this can include information relating to online identity such as usernames or IP addresses.

Sensitive personal data is defined as a special category of personal data (refer to GDPR Article 9). This can include the processing of genetic data, biometric data and data concerning health matters. The Academy applies additional measures to protect and secure this type of data.



Criminal convictions and offences are another example of personal data, but which are not included under the category of sensitive personal data. The Academy applies additional safeguards to the processing of this data (refer to GDPR Article 10).

4. What are the key principles and lawful reasons used to process data?

The Academy will ensure that all personal data is only ever collected, processed and stored according to the key principals identified in the GDPR to ensure that privacy and data security is embedded within the culture of the organisation at all levels. The Academy recognises that personal data may only be processed lawfully; the lawful reasons used by the Academy are identified as follows:

- To allow the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller to carry out the duties of the Academy
- To protect the vital interests, health or wellbeing of an individual
- To comply with legal obligations
- To deliver a contract, or to take steps required to enter into a contract
- To undertake other legitimate interests pursued by the Data Controller or a third party
- With the consent of the person concerned, which has been legally obtained

5. What personal data is collected?

The Academy can collect and process the following personal data relating to pupils or their families:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth, religion, free school meal eligibility and photographs for identification
- Attendance information including absences and absence reasons
- Assessment information including National Curriculum assessment results and scores used to measure learning, development and progress
- Medical history and information relevant to health and wellbeing such as allergy information
- Information relating to identified Special Educational Needs & Disability (SEND)
- Behavioural information including exclusions and incident reports
- Safeguarding information relating to protecting the safety or best interests of children including care and social services data, legal or judicial communications and information supplied by related agencies

The Academy can collect and process the following personal data relating to its employees and governors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Attendance information including absences and absence reasons



- Employment and contractual information such as qualifications, criminal records checks, references, employment history, trade union membership, religion and financial data such as bank details and tax information
- Medical history and information relevant to health and wellbeing such as disability or allergy information
- Performance management information such as appraisals or disciplinary records

The Academy can collect and process the following personal data relating to contractors and visitors:

- Personal information – e.g. names, addresses, date of birth
- Characteristics including ethnicity, language, nationality, country of birth and photographs for identification
- Employment and contractual information such as qualifications, criminal records checks, references, employment history, trade union membership, religion and financial data such as bank details and tax information

6. What is meant by obtaining lawful consent?

The Academy may identify additional uses of your data, which may be of benefit to your child or the school community. Examples may include optional extra-curricular activities, fundraising or promotional activities. We will always seek your consent before using your data for these reasons. If you give consent, you may change your mind at any time.

PROCESS FOR OBTAINING CONSENTS

7. Will personal data be shared?

The Academy is legally obliged to share data about pupils and staff with the Department for Education (DfE). The DfE use this data for school funding and educational attainment policy and monitoring.

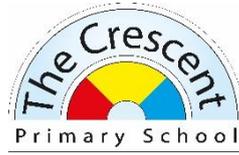
The DfE routinely request data throughout the year which include the School Census return and Early Years Census. To find out more about the pupil information we share with the DfE for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

Some of this information is stored on the National Pupil Database (NPD), which is permitted in law by the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD please go to: <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE may share information about pupils from the NDP with third parties who promote the education or wellbeing of children through research, providing information, advice or guidance.

To find out more information about the DfE's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>.



The Academy will also share personal data with approved third parties or contractors in order to deliver its aims. We may share personal data where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies. Where necessary we will seek consent prior to sharing
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We may also share personal data with law enforcement and government bodies where we are 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 our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We 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.

The information shared may include sensitive personal information such as information about health, special educational needs, or disabilities. This information is used to provide the correct services to support children, families or employees and is only shared on a strictly need to know basis in full compliance with individual's rights.

The Academy is required by law to check the identity and Criminal Record of all employees, governors and volunteers in order to safeguard children and staff.

The Academy will conduct checks using the Disclosure and Barring Service (DBS). In order to carry out these checks, it is required for authorised persons to share sensitive personal data with the DBS.

Personal Data will be processed by the DBS and the results of this processing provided to the Academy. You may review the privacy notices provided by the DBS for further information on the gov.uk website.

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>



8. How do we use photography and video?

The Academy recognises that the recording images of identifiable individuals is a form of processing personal information which must be carried out in line with data protection requirements.

The Academy makes use of CCTV systems in order to provide enhanced security of the premises and to better safeguard the interests of pupils and staff.

CCTV POLICY

The Academy captures photographs of pupils, staff, contractors and visitors to our site for the purposes of identification and authorisation of access. These images may be further processed and linked to other information we hold such as emergency medical needs, or attendance records.

The Academy may use photography and video images for other explicit purposes in order to deliver a stated purpose of the Academy. Full details of these purposes are outlined in our policy below.

PHOTOGRAPHY AND VIDEO POLICY

9. Will personal data be published?

The Academy will not publish any personal data, including photographs or images, in a public forum either online or in print without obtaining explicit consent in advance.

10. How long is personal data stored for?

Personal data held by the Academy is stored and deleted according to our **Data Retention Policy**. Please see attached link: <https://irms.site-ym.com/page/SchoolsToolkit>

Personal data is not kept on a permanent basis and is only stored for as long as is necessary to fulfil its intended purpose. Personal data is deleted when it is no longer required. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also for example to enable the provision of references.

Paper documents will be shredded or securely disposed of, and electronic data scrubbed clean or permanently erased once the data is no longer required.

Please review our Data Retention Policy for further details of specific data items and their retention schedules. <https://irms.site-ym.com/page/SchoolsToolkit>.

11. Who is accountable for data protection?

Under data protection legislation, the Academy is the Data Controller of the personal data we hold.



The GDPR requires that the data controller shall be responsible for, and able to demonstrate, compliance with the principles outlined above. The Academy designates the Head Teacher as its representative with regards to data protection.

As a publicly funded body the Data Controller is required to appoint a Data Protection Officer (DPO).

The Academy has appointed OpenAIR Systems Limited as its DPO. The DPO can be contacted by email at dataprotection@openair.systems or in writing to OpenAIR Systems Limited, Unit 20 Capital Business Centre, 22 Carlton Road, Croydon, Surrey CR2 0BS.

The DPO has a range of responsibilities which support the Academy in meeting its obligations under GDPR. The DPO will act as a point of contact and adviser to the Academy, its employees and clients.

12. How is personal data processed and protected?

The Academy ensures appropriate technical measures and processes are in place to protect data and the privacy of individuals. The Academy defines comprehensive, understandable and transparent policies which give due regard to the protection and security of data. Policies underpin the culture and behaviours adopted by the Academy and outline our business processes and structure. All policies are reviewed on a regular basis to ensure they reflect the most up to date circumstances and any changes in working practice. When reviewed, all policies are checked alongside this data protection policy to ensure a comprehensive and integrated approach to privacy is delivered.

The Academy maintains a Data Protection Audit as an internal record of all data processing activities carried out, and reviewed at least once per year to ensure the content is kept up to date. The audit includes full itemised details of each data processing activity, the nature and categories of data, reasons for processing and the systems used to carry out the processing.

When introducing new systems or new ways of processing personal data, the Academy will conduct a Data Protection Impact Assessment (DPIA) in order to ensure proper integration and compliance with the law and our policies. Any new systems implemented by the Academy will ensure data protection is implemented by design and privacy enabled by default.

In order to ensure that data is protected, the Academy has identified the following measures which are implemented to minimise the risks involved in processing and storing information:

LIST OF MEASURES USED TO PROTECT DATA

- Paper records containing student and staff personal information are held securely in locked cupboards
- Access to pupil records on the School database is password protected
- Access to the IT Network is password protected and held on a secure network and inaccessible to unauthorised people
- Electronic data is saved securely on the school's network with designated access to authorised staff

13. What are your rights regarding your personal data?

The Academy recognises the rights of their personal data. A list of your



individuals with regards to our use of rights is as follows:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object

The Academy will ensure that these rights are respected by ensuring that all our policies and processes regarding data processing and data storage are compatible with these rights.

In addition to the rights detailed above, individuals have further rights relating to the automated processing of their personal data.

STATEMENT ON USE OF AUTOMATED DECISION MAKING & PROFILING

The School does not carry out any automated decision making and profiling activities.

14. What happens when there is a breach of your privacy?

The Academy will use practical and technical measures to protect personal data from loss or any other unauthorised alteration, disclosure, or access.

In the event of a breach of privacy as described above, the Head Teacher in consultation with the DPO, will take the following action:

- Assess the nature of the personal data breach, including the categories of data concerned and approximate number of individuals and records affected.
- Inform the Chair of Governors about any data breach without undue delay. The Head teacher and the Chair of Governors will assess each breach on a case by case basis and decide upon appropriate action to be taken, including deciding upon which individuals, internal staff or other organisations need to be notified that a breach has occurred.
- Ensure that all data breaches are recorded in the internal Data Breach Register.

15. How do you request access to view your personal data?

Under data protection legislation, any individual about whom the Academy processes personal data (the Data Subject) has the right to request access to view the information that we hold about them.

Requests for access to your personal information must be recorded in writing; this is known as a Subject Access Request (SAR).

You may make a request verbally by speaking to a member of staff who will record your request.

Alternatively, you may use our Subject Access Request form or write your own letter addressed to the Head Teacher sent care of our nominated DPO: OpenAIR Systems Limited, Unit 20 Capital Business Centre, Croydon, Surrey, CR2 0BS, or submit an emailed a request to thecrescent.sar@openair.systems.

You will receive an automated acknowledgement of the receipt of your request when sent via email. All SAR requests will be processed in accordance with GDPR requirements.

16. How do you raise a concern about the way we process personal data?

If you have a concern about the way we collect or use your personal data, we invite you to raise the matter with us in the first instance.

Alternatively, you can contact the Information Commissioner's Office: by post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF; by telephone: 0303 123 113 or 01625 545 745; or online at <https://ico.org.uk/concerns>.

17. When will this policy be updated?

This policy will be reviewed at least once per year by the Academy.

This policy is a working document and can be updated to reflect changes in the working practices of the Academy at any time. Please ensure that you access the most recent version of this document either by downloading the current version from the website or by contacting the Academy office.

The next scheduled review date for this policy is May 2019.

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