

Policy: Data Protection and GDPR

Reviewed: April 2025

Next review: April 2026

Mid-year updates: May 2025

Policy Monitoring

Libra Policies are reviewed when the need arises in line with legislation updates, guidance, and useful information we receive to improve and enhance our provision. Additionally, Policies are updated annually by relevant members of staff and the Senior Leadership Team.

Equality Statement

We believe that this policy is in line with the Equality Act as it is fair, it does not prioritise or disadvantage any child or member of staff and it helps to promote equality at this school.

We all have a responsibility to ensure equality permeates into all aspects of school life and that everyone is treated equally irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We want everyone connected with this school to feel safe, secure, valued and of equal worth. We acknowledge the findings of the Race Disparity Audit that clearly shows how people of different ethnicities are treated across the public services of health, education, employment and the criminal justice system.

We wish to work closely with the School Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on the Rights of the Child that children should be encouraged to form and to express their views.

Introduction

We are aware that the General Data Protection Regulations (GDPR) has entirely replaced the Data Protection Act (DPA) by making radical changes to many existing data protection rules and regulations that schools, academies and other educational establishments adhere to under the DPA. The principal aim of the GDPR is to strengthen and unify the safety and security of all data held within an organisation.

We believe that we comply with the current DPA, and we realise that many of the GDPR's main concepts and principles are much the same as those in the DPA but we are aware that there are new elements, significant improvements and a new accountability that we need to address for the first time. We understand that under the GDPR:

- data management is strengthened and unified.
- it will become illegal not to have a formal contract or service level agreement with a chosen data processor.
- the data processor must be GDPR compliant.
- there will be higher penalties for non-compliance with the GDPR.
- data breaches must be reported within 72 hours.
- individuals have greater control over their personal data.

We are committed to the protection of all personal and sensitive data for which we hold responsibility as the Data Controller. We believe the handling of such data is in line with the data protection principles and that access to such data does not breach the rights of the individuals to who it relates.

Aims and Objectives:

We aim to:

- To ensure compliance with the General Data Protection Regulations.
- To strengthen and unify the safety and security of all data held within the school.
- To ensure the protection of all personal and sensitive data for which we hold responsibility as the Data Controller.
- To ensure the handling of all personal and sensitive data is in line with the data protection principles.
- To undertake an audit of the school's current position in preparation for the full implementation of and compliance with the GDPR.

We acknowledge the GDPR's definition of personal data as 'meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier' such as name, identification number, location data or online identifier. It applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria. We will ensure that under the General Data Protection Regulation all staff are able to access their personal data that is held about them. It is our duty to respond to any request of access in line with current guidance.

The GDPR refers to sensitive personal data as "special categories of personal data" which includes genetic data, and biometric data where such data is processed to uniquely identify an individual by using fingerprints, face recognition or eye screening.

At all times we ensure the principles of the DPA are applied and that all data is:

- processed lawfully
- obtained and processed for specific and lawful purposes
- sufficient, appropriate and not excessive in relation to the precise purpose
- accurate and up to date
- not kept for a great length of time
- processed in agreement with the individual's legal rights
- protected against unlawful processing, accidental loss, destruction or damage
- not to be transferred outside the EU unless the rights and freedom of the individual is protected.

Sometimes we might share personal data with group companies or our contractors and agents to carry out our obligations under our contract or for our legitimate interests.

We require those people and companies to keep this personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process only data for the lawful purpose for which it has been shared and in accordance with our instructions.

We have a log to record any data breach, subject access request and freedom of information request. Our Principal reviews the log every 6 months. The log enables us to ensure that any request for access or a breach is actioned within the correct time and ensures that all those necessary are informed.

We have the responsibility to ensure that all changes to data protection legislation will be monitored and implemented to remain compliant with all requirements. All staff will attend training to be made aware of data protection policies and legal requirements. All contracted service providers will also be notified of our data protection policies and legal requirements.

To ensure full compliance with the General Data Protection Regulation we used the 12-step guidance from the Information Commissioner's Office in order to identify what changes we need to make. We employ the services of an external Data Protection Office who guides us on an ongoing basis to ensure we maintain compliance in this area.

On completion of the ICO guidance an updated data protection system that fits the needs of the school and complies with the new General Data Protection Regulations has been implemented.

All our data processing activities will be registered with the Information Commissioner's Office (ICO). The ICO will be notified of any changes to the type of data processing activities being undertaken and the register will be amended accordingly. We are aware that the GDPR places greater emphasis on accountability and therefore the Data Protection Officer will keep up to date documentation of all data protection activities.

DfE

We are aware that the DfE has legal powers to collect pupil, child and workforce data that schools, local authorities and awarding bodies hold. The data is used:

- in school performance tables
- in adoption scorecards
- in statistical releases
- to evaluate and inform educational policy
- to assess funding to local authorities and schools

All pupil-level data is held in the national pupil database.

Schools and local authorities must provide privacy notices to staff, parents and pupils to explain how their personal data will be collected and used.

The DfE shares data:

- where there is a clear benefit to the education or children's services sector
- to inform debate
- which is able to benefit a sizeable section of the target sector and is not solely for commercial gain
- to encourage the research community to work collaboratively with the department and build the evidence base together
- for secondary research

The law allows the DfE to share pupils' personal data with:

- schools
- local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies
- organisations fighting or identifying crime

Other regulations allow the sharing of workforce data.

Anyone who wants to use DfE data must comply with:

- strict confidentiality and securing rules
- the Data Protection Act 2018
- the General Data Protection Regulations

Rights of Individuals

Individuals have rights to:

- All information held by the Company relating to them.

Individuals are not entitled to:

- examination results until they have been released

Disclosure of Data

Personal data cannot be disclosed to a third party without the explicit consent of the individual except when it is legally required.

Subject Access Requests

We are aware that the Data Protection Act 2018 gives individuals (staff, pupils, parents, carers, Directors and volunteers) rights of access to their personal records and supplementary information that we retain about them. Any request for access to data by a living person under the Act is known as a Subject Access Request (SAR). All SAR's must be made in writing via email or post (see appendix A).

We acknowledge that subject access is a fundamental right for individuals and a request for access to data held is dealt with under the Freedom of Information Act 2000.

We understand that personal data is either factual such as name, address or date of birth or opinion such as a performance appraisal, and relates to a living individual. Any living individual who is the subject of personal data is known as the data subject.

We are aware that under the Data Protection Act 2018 that special category personal data such as a person's racial or ethnic origin; political opinions; religious or similar beliefs; trade union membership; physical or mental health or sexual life; biometric or genetic data, is given special protection as any misuse could put at risk the fundamental rights and freedoms of an individual.

We have in place effective and efficient information systems so that any SAR can be easily processed by the Data Protection Officer who deals with all SAR's within the given time frame.

We are aware that the Data Protection Act 2018 allows for an individual to make a request on behalf of another person. This may be a:

- solicitor acting on behalf of the individual;
- parent requesting information about their child; or
- a third party acting on behalf of someone who has limited capacity.

Freedom of Information

We are aware that under the Freedom of Information Act 2000 (FOIA) we have a legal duty to supply certain information to enquirers and that we must be clear and proactive about the information we make public.

To do this we have in place a guide that allows us to determine:

- The classes of information we publish or intend to publish
- The way the information will be published
- How to request information
- Payment for information

We are committed to the aims of the FOIA and the access provisions of the General Data Protection and Data Protection Act 2018 by promoting an open transparent policy as we believe the public have a right to access the recorded information held by us.

We understand that recorded information held by us relates to the business of the School and includes information that is:

- created and held by us
- created by us but held by another organisation on our behalf
- held by us but relating to the Directors
- held by us but provided by third parties

Management of School Records

We realise we have a duty to have in place an efficient school records management system to comply with our legal and regulatory obligations which greatly contributes to the effective overall management of the school.

We believe school records are documents which help the business carried out by the school and provide evidence for school inspections and financial audits.

We have in place a records management system, which is maintained by the school manager, containing a mixture of hard copy and electronic material and is designed for information to be easily retrieved.

All staff have a responsibility to keep records that they are responsible for up to date.

Retention of Data

Libra's retention procedures reflect the guidance from the ICO, our external and internal Data Protection Officers in line with the General Data Protection Regulations.

- Libra will not keep personal data for longer than is needed.
- We will consider personal data retention based on our purposes for holding the data.
- We set standard retention periods wherever possible, to comply with documentation requirements.
- We periodically review the data we hold, and erase or anonymise it when it is no longer needed.
- We carefully consider any challenges to our retention of data and are aware that individuals have a right to erasure if we no longer need the data.
- We may keep personal data for longer if it is needed for public interest archiving, scientific or historical research, or statistical purposes.

Disposal of Data

Since 2018, data is shredded on site and all other data that requires destruction including equipment containing sensitive data will be disposed of through approved data removal companies. Similarly, for computer hardware destruction, wiping the hard drive of data is completed or (in the case of solid-state devices) crushing the drive. Should we recycle devices, we would ensure hard drives are wiped clean.

We believe it is essential that this policy clearly identifies and outlines the roles and responsibilities of all those involved in the procedures and arrangements that relates to this policy.

Responsibilities

The School Manager will:

- act as 'Data Controller' for the school and liaise with the External Data Protection Office for all guidance and assistance relating to Data Protection.
- ensure all school records are made secure, and that personal information is password protected
- ensure all school records are retained for the appropriate periods

The Data Protection Officer will:

- have expert knowledge of data protection law and practices
- inform the school and staff about their obligations to comply with the GDPR and other data protection laws
- ensure data management is strengthened and unified
- monitor compliance with the GDPR and other data protection laws
- manage internal data protection activities
- ensure risk and impact assessments are conducted in accordance with ICO guidance
- report data breaches within 72 hours
- ensure individuals have greater control over their personal data
- ensure that prior to the processing of an individual's data that:
 - ☐ the process is in line with ICO guidance
 - ☐ the process is transparent
 - ☐ the individual will be notified
 - ☐ the notification is written in a form that is understandable to children
 - ☐ when sharing an individual's data to a third party outside of school that details for the sharing are clearly defined within the notifications.
- share an individual's data where it is a legal requirement to provide such information
- process all written subject access requests from individuals within 40 days of receiving them
- have in place a formal contract or service level agreement with a chosen data processor who is GDPR compliant
- ensure the secure disposal of redundant data and IT hardware holding data in compliance with ICO guidance
- train staff
- conduct audits.
- be the first point of contact for supervisory authorities and for individuals whose data is processed

- ensure that all staff will be asked to complete a consent form, confirming that they consent to our company reference template being completed and shared with a potential employer, should they have provided our company name as a referee. This extends to other requests for references for instance financial references.
- Ensure that all staff know to only liaise with the HR Manager regarding requests for references.
- keep up to date documentation of all data protection activities.
- work closely with the principal and nominated Director
- periodically report to the principal and to the Directors
- annually report to the Directors on the success and development of this policy.

The Directors:

- have the responsibility to comply with the legal requirements of the General Data Protection Regulation.
- in accordance with the GDPR must appoint a Data Protection Officer who has expert knowledge of data protection law and practices
- the responsibility to ensure the DPO:
 - ☐ operates independently and is not dismissed or penalised for undertaking their role
 - ☐ keeps the Directors up to date with all data protection activities
 - ☐ has adequate resources to meet their GDPR obligations
 - ☐ keeps up to date documentation of all data protection activities.
- Have the responsibility to ensure data is processed in accordance with the eight principles of the Data Protection Act 1998

The Senior Management Team will:

- work in conjunction with the Directors to ensure all school staff, children and parents are aware of and comply with this policy.
- provide an environment that is safe, fun, stimulating and challenging to all children.
- promote an awareness of and respect for a diversity of cultures, values, beliefs and abilities.
- encourage parents to take an active role in policy development where appropriate.
- ensure all relevant risk assessments are in place to ensure a safe school environment.
- provide leadership and vision in respect of equality.
- provide guidance, support and training to all staff.

Teaching and Learning Support Staff will:

- attend GDPR awareness training.
- will complete a consent form, confirming that they consent to our company reference template being completed and shared with a potential employer, should they have provided our company name as a referee. This extends to other requests for references for instance financial references.
- Be aware that they must only liaise with the School Manager regarding requests for references.
- be aware that we have a duty of care and therefore within referencing, if there are safeguarding concerns, we will have a duty to notify potential employers and will note the reference as 'confidential' and for the 'attention of the addressee only'.
- comply with all aspects of this policy.
- implement the school's equalities policy and schemes.
- report and deal with all incidents of discrimination.
- attend appropriate training sessions.
- report any concerns they have about any aspect of the school community.
- receive relevant training, periodically and ongoing as required, according to their role.
- have equal chances of training, career development and promotion.
- receive equal opportunities training on induction in order to improve their understanding of the Equality Act and its implications.

Parents and Carers will be encouraged to:

- be aware of and comply with all school policies including this one.
- be encouraged to become involved in policy development by taking part in parent engagement opportunities and by maximising learning opportunities between home and school.

- Keep informed via termly newsletters of the children's curriculum.
- be encouraged to take an active role in the life of the school by attending parent-teacher consultations / Parent

Linked Policies and documents:

Equality / E-Safety / Grievance Procedure

Policy Location

This policy can be found:

- on SharePoint within the staff and master's folder
- on the school website www.libraschool.co.uk
- available upon request from the office: admin@libraschool.co.uk / 01598 740044

Appendix

Declaration and Subject Access Request (SAR) Form

Declaration

I, _____, hereby request that _____

Libra School provide the data requested about **me**.

Signed:		Date:	
Print Name:		Date:	

Alternatively

I, _____, hereby request that _____

Libra School provide the data requested about _____

on the basis of me being the **parent/carers/parent with parental responsibility** (please delete as appropriate).

Signed:		Date:	
Print Name:		Date:	

Subject Access Request Form

Please complete all sections

01. Data Subject: I am requesting information about the following pupil:

Full Name:	
Date of Birth:	
Address:	
Year Group:	

02. Requester: My details are

Status of Requestor:	☐ Data Subject	☐ Parent	☐ Carer	☐ Person with parental Responsibility
	☐ Other	If 'Other', then please give a full explanation:		
Full Name:				
Date of Birth:				

Blackford Education (Schools) Limited



Address:		
Home Tel. No.:		
Mobile No.		
Email Address:		
Evidence of Identity:	☐ Passport	☐ Driving Licence

03. Subject Access Request Details: please give a full explanation of the data being requested

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