



## MANOR INFANT SCHOOL & NURSERY

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## Data Protection Policy

*'Valued as Individuals, Inspired as Learners'*

### Policy Statement

Everyone has rights with regard to how their personal information about them is handled. During the course of our activities we will collect, store and otherwise process personal information about our pupils, pupils' families, staff, volunteers, contractors, suppliers and other third parties.

Manor Infant School and Nursery are committed to meeting their legal obligations concerning data protection and confidentiality. We are also seeking to achieve best practice in relation to information governance. Any breach of this or any other information governance policy will be taken seriously and may result in legal action being taken against the School, the Local Authority and/or the individual responsible for the breach.

### Definitions

- **"Data"** means Personal Data and Special Category Personal Data.
- **"Data Controller"** is the person who or the organisation which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation.
- **"Data Subject"** means all living individuals about whom the school holds Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in respect of their Data and the information that the school holds about them.
- **"Data Processor"** means any person who or organisation which processes Data on behalf of the Data Controller including contractors, and suppliers and any third party whose work involves accessing or otherwise using Data held by the school. Data Processors have a duty to protect the information they process for and on behalf of the school by following this and other school information governance policies at all times.

- **“Data Protection Legislation”** means the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.
- **“Personal Data”** means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one 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.
- **“Processing”** means any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties.
- **“Special Category Personal Data”** means information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.
- **“Social Media”** means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for school and nursery purposes as well as personal use that may affect the school and nursery in any way.
- **“Subject Access Request” (“SAR”)** means a request by an individual to the school and nursery pursuant to Article 15 of the GDPR.

### **Data Protection Officer**

Manor Infant School and nursery are required to appoint a Data Protection Officer (“DPO”). The DPO for the school is Mr Ashley Howard who can be contacted on **DPO@manor-inf.portsmouth.sch.uk** .

The DPO is responsible for ensuring compliance with the Data Protection Legislation and with this and other information governance policies. Any questions about the operation of this or any other information governance policies should be referred in the first instance to the DPO. The DPO is also the central point of contact for all data subjects and others in relation to matters of data protection.

### **Data Protection Principles**

Anyone Processing Data must comply with the data protection principles. These provide that Data must be:

- Processed fairly and lawfully and in a transparent manner in relation to the data subject;
- Collected for specified, lawful purposes and not further processed in a way which is not incompatible with those purposes;
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

- Accurate and, where necessary, kept up to date;
- Not kept in an identifiable form for longer than is necessary for the purpose; and
- Processed securely using appropriate technical and organisational measures.

Personal data must also be processed in accordance with data subjects' rights, and not transferred to people or organisations situated in other countries without adequate protection. Manor infant School and nursery will comply with the data protection principles and the rights of Data Subjects in the Processing of any Data.

### **Conditions for Processing Personal Data**

Personal Data can only be processed if at least one of the conditions for Processing in the Data Protection Legislation applies. We will normally Process Data on the basis of the following conditions:

- Where the Processing is necessary for the performance of a contract between us and the Data Subject, such as an employment contract;
- Where the Processing is necessary to comply with a legal obligation that we are subject to;
- Where the Processing is necessary for the performance of a task carried out in the public interest or in the exercise of our functions as set down by law; and
- Where none of the above apply then we will usually seek the consent of the Data Subject to the Processing of their Data.

### **Conditions for Processing Special Category Personal Data**

Special Category Personal Data can only be processed where an additional condition for Processing applies. We will normally only Process Special Category Personal Data on the basis of the following conditions:

- Where the Processing is necessary for the purpose of carrying out our obligations or exercising our rights in relation to employment law, for example in relation to sickness absence;
- Where the Processing is necessary for reasons of substantial public interest on the basis of either national or EU law, for example for the purposes of equality of opportunity and treatment;
- Where the Processing is necessary for health or social care purposes, for example in relation to pupils with medical conditions or disabilities; and
- Where none of the above apply then we will usually seek the consent of the Data Subject to the Processing of their Special Category Personal Data.

### **Vital Interests**

There may be circumstances where it is considered necessary to Process Data in order to protect the vital interests of a Data Subject. This might include medical emergencies where the Data Subject is not in a position to give consent to the Processing. We believe that this will only occur in very specific and limited circumstances. In such circumstances we would usually seek to consult with the DPO in advance, although there may be emergency situations where this does not occur.

## **Consent**

Where none of the other bases for Processing set out above apply, then we must seek the consent of the Data Subject before processing any Data for any purpose. There are strict legal requirements in relation to the form of consent that must be obtained from Data Subjects.

At Manor Infant School and nursery, we will seek consent from an individual with parental responsibility for that pupil.

If consent is required, then this form of consent will:

- Inform the Data Subject of exactly what we intend to do with their Data;
- Require them to positively confirm that they consent; and
- Inform the Data Subject of how they can withdraw their consent.
- Any consent must be freely given, and we will not make the provision of any goods or services or other matter conditional on a Data Subject giving their consent.
- The DPO must always be consulted in relation to any consent form before consent is obtained.
- A record must be kept of any consent, including verbal and how it was obtained and when.

## **Rights of Data Subjects**

Data will be processed in line with Data Subjects' rights. Data Subjects have a right to be informed about:

- Our identity and contact details as Data Controller and those of the DPO;
- The purpose or purposes and legal basis for which we intend to Process their Data;
- The types of third parties, if any, with which we will share or to which we will disclose their Data;
- Whether the Data will be transferred outside the European Economic Area and if so the safeguards in place;
- The period for which their Data will be stored;
- The existence of any automated decision making in the Processing of their Data along with the significance and envisaged consequences of the Processing and the right to object to such decision making; and
- The rights of the Data Subject to object to or limit Processing, request information, request deletion of information or lodge a complaint with the Information commissioner's office (ICO).

Data Subjects also have a right to:

- Request access to any Data held about them by a Data Controller
- Object to the Processing of their Data, including the right to object to direct marketing;
- Have inaccurate or incomplete Data about them rectified;
- Restrict Processing of their Data;

- Have Data we hold about them erased;
- Have their Data transferred; and
- Object to the making of decisions about them by automated means.

### **Data Security**

We will ensure that appropriate security measures are taken against unlawful or unauthorised Processing of Data, and against the accidental loss of, or damage to, Data. The Data Protection Legislation requires that we put in place procedures and technologies to maintain the security of all Data from the point of collection to the point of destruction.

Data may only be transferred to a third-party Data Processor if they agree to comply with those procedures and policies, or if they otherwise put in place adequate measures to our satisfaction. We will always ensure that a contract is in place with any Data Processor which is compliant with Data Protection Legislation. For further information on the types of data processors that information may be passed to, please refer to our Privacy notice on the school's website.

### **Disclosure and sharing of Information**

We may share Data we hold with another school, the Local Authority, the Department of Education, Ofsted, statutory bodies, health professionals and examination bodies or any other body where we have a lawful basis for doing so.

Anyone who receives enquiries from third parties should be careful about disclosing any Data that we hold. In particular, they must:

- Check the identity of the person making the enquiry and whether they are legally entitled to receive the information they have requested;
- Require that the third party put their request in writing so the third party's identity and entitlement to the information may be verified;
- Refer to the DPO for assistance in difficult or unusual situations; and
- Where providing information to a third party, do so in accordance with the data protection principles and the provisions of this Policy.

### **Processing of Images**

Parents and others attending Manor Infant school and nursery events are allowed to take photographs and videos of those events for domestic purposes. For example, parents can take video recordings of a school performance involving their child. The school does not prohibit this as a matter of policy.

Manor Infant school and nursery does not however agree to any such photographs or videos being used for any other purpose and ask that parents and others do not post any images or videos which include any child other than their own child on any social media.

At Manor Infant School and nursery, we want to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering school events or achievements. We will seek the consent of pupils, and their parents where appropriate, before allowing the use of images or videos of pupils for such purposes.

Whenever a pupil begins their attendance at the school or nursery their parent or carer will be asked to complete a consent form in relation to the use of images and videos of that pupil. We will not use images or videos of pupils for any purpose where we do not have consent.

### **CCTV**

Manor Infant School and nursery operates a CCTV system. Please refer to the school's CCTV Policy.

### **Monitoring and Review**

This policy will be reviewed every 3 years or earlier if required and may be subject to change.