



EDITH STEIN **CATHOLIC ACADEMY TRUST**

GENERAL DATA PROTECTION REGULATIONS (GDPR) POLICY

APPROVED BY TRUSTEES	February 2024
SCRUTINISED BY LOCAL GOVERNING BODY / LOCAL GOVERNING BODY SUB COMMITTEE	February 2024
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MEMBER OF STAFF RESPONSIBLE	CEO/CFO
STATUTORY / NON-STATUTORY	Statutory



Policy Amendments

Version Date	Section / Page	Amendments
Feb 2024	Throughout the document	Textual changes to reflect that this is now an ESCAT trust policy
Jan 2021	1.2 / Page 3 1.3 / Page 3	Update to GDPR documentation compliance Removal of out of date sentence
	3.6 / Page 4	Replace 'the Act' with GDPR
	5.0 / Page 5 5.1 / Page 5 5.2 / Page 5	Change of heading from Access Procedures to Rights of Access to Information The two distinct rights to access of pupil information What to consider before requesting access to information
	7.1 / Page 6 7.2 / Page 6	Removal of sentence regarding interim additions/amendments Addition of ICO Website for further guidance
	A1.2 / Page 7	Update to GDPR
	A2.4 / Page 7	Update to charging for information
	A2.5 / Page 7 A2.5 / Page 7	Change of response time to a subject access request from 40 days to one calendar month. Addition of sentence regarding possibility of 3 month response time for complex or numerous requests.
	A2.7 / Page 8	Change of 40 day statutory timescale to one calendar month
	A2.9 / Page 8	New bulletin point relating to the release of examination results

“So Simon Peter went aboard and hauled the net ashore, full of large fish, 153 of them. And although there were so many, the net was not torn.”

John 21:11

1.0 Introduction

- 1.1 The Edith Stein Catholic Academy Trust (ESCAT) (the Trust) needs to collect and use certain types of information about people with whom it deals in order to operate effectively. These include pupils, parents, carers, staff, members, directors, governors, suppliers and others with whom it communicates. In addition, it is required by law to collect and use certain types of information to comply with the requirements of Government departments.
- 1.2 As an organisation that collects, processes, and stores personal information, the Trust must comply with the General Data Protection Regulation (GDPR) which succeeded the Data Protection Act 1998 (DPA) from 25 May 2018.
- 1.3 This policy is intended to ensure that personal information is dealt with correctly and securely. The Trust regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions and to maintaining confidence between those with whom we deal and ourselves.

2.0 Scope of the Policy

- 2.1 Data Protection applies to any record in any medium that holds data about any living individual or data that can be used to identify a living individual. This includes any expression of opinion about an individual and intentions towards an individual, data held visually (photographs, video clips, CCTV footage), sound recordings, email, notebooks, or paper records. It will apply to information regardless of the way it is collected, used, recorded, stored, or destroyed, irrespective of whether it is held in paper files or electronically.
- 2.2 For electronic records, this policy should be read in conjunction with the individual school's/ Trust's General ICT Policy.

3.0 Responsibilities

- 3.1 Under GDPR, the Trust is the “Data Controller” for the personal data it collects and receives. Data Controllers have a General Duty of accountability for personal data.
- 3.2 Each academy school within the Trust is to appoint a Data Protection Officer (DPO), whose role is:
 - to inform and advise the Trust/academy school and its employees about their obligations to comply with the GDPR and other data protection laws.
 - to monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities; advise on data protection impact assessments; train staff and conduct internal audits.
 - to be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
- 3.3 The DPOs can be contacted at each academy school.

3.4 Article 5 of the GDPR requires that personal data shall be:

- 1) processed lawfully, fairly and in a transparent manner in relation to individuals;
- 2) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be incompatible with the initial purpose;
- 3) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- 4) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which the data is processed, is erased or rectified without delay;
- 5) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals;
- 6) personal data is processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3.5 The Trust DPO's are responsible for drawing up guidance on good data protection practice and promoting compliance with this guidance through advising staff on the creation, maintenance, storage, and retention of their records which contain personal information.

3.6 Every member of staff that holds information about identifiable living individuals has to comply with data protection in managing that information. Individuals can be liable for breaches of GDPR.

4.0 General Statement

4.1 The Trust is committed to always maintaining the above principles and as such will:

- Inform individuals of the identity and contact details of the Data Controller and Data Protection Officer.
- Inform individuals why the information is being collected, when it is collected and how long it will be kept;
- Only use the data for the purpose for which it was collected, or to seek permission prior to using the data for any other purpose;
- Issue Privacy Notices (also known as a Fair Processing Notices) to all pupils/parents and staff. These summarise the personal information held about pupils and staff, the purpose for which it is held and who it may be shared with. It also provides information about an individual's rights in respect of their personal data, provides details on how long an individuals' data will be kept, and informs individuals about their rights and how they may withdraw consent. (If consent is withdrawn the Trust will cease processing their data although that will not affect the legality of data processed up until that point.)
- Inform individuals when their information is shared, why and with whom it was shared;
- Check the quality and accuracy of the information it holds at regular intervals;
- Ensure that information is not retained for longer than is necessary;
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely;

- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded;
- Ensure that only authorised personnel have access to the personal information whatever medium (paper or electronic) it is stored in.
- Share information with others only when it is legally appropriate to do so;
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests.
- Ensure our staff are aware and understand our policies and procedures.
- Ensure personal data shall not be transferred to a country or territory outside the European Economic Area (EEA), unless that country or territory ensures an adequate level of data protection. If the Trust plans to transfer personal data outside the EEA the Trust will inform individuals and provide them with details of where they can obtain details of the safeguards for that information

5.0 Rights of Access to Information

5.1 There are two distinct rights of access to information held by Trusts about pupils.

5.1.1 Under education regulations, The Education (Pupil Information) (England) Regulations 2005, those with parental responsibility for a pupil have the right to view that pupil's education record.

5.1.2 Under the Data Protection regulations, the GDPR grants the right of access of pupil information to pupils and those with parental responsibility for a pupil. This can be obtained by submitting a Subject Access Request (SAR).

5.2 Parents/Carers should consider what information is required when deciding whether to view the education record or submit a Subject Access Request.

5.2.1 If there is a request to view or receive a copy of the education record, the Trust will only disclose the information contained in the record and it is not obliged to disclose any further personal data that it may hold. The record will cover information such as records of academic achievements, correspondence and other information provided by the child or parents/carers.

5.2.2 If there is a Subject Access Request (SAR) to the Trust for all of a child's personal data, it is likely to disclose both information contained in the education record and any other personal data the Trust may hold.

5.3 Procedures for responding to Subject Access requests can be found in Appendix 1.

6.0 Complaints

6.1 Complaints will be dealt with in accordance with the Trust's complaints policy. Complaints relating to the handling of personal information may be referred to the Information Commissioner who can be contacted at Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF or at www.ico.gov.uk

7.0 Policy Review

- 7.1 This policy has been scrutinised by the Local Governing Bodies and approved by the Directors of the Edith Stein Catholic Academy Trust. It will normally be reviewed every three years.
- 7.2 Further GDPR guidance can be found via The Information Commissioner's Office (ICO) www.ico.org.uk

Appendix 1

Procedures for Responding to Subject Access Requests

A1.0 Rights of access to information

A1.1 These procedures relate to subject access requests made under the General Data Protection Regulation (GDPR) Data Protection Act 2018.

A2.0 Subject Access Request - Action

A2.1 Requests for information must be made in writing, which includes email, and be addressed to the Headteacher. If the initial request does not clearly identify the information required, then further enquiries will be made.

A2.2 The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate • P45/P60
- Credit Card or Mortgage statement. *This list is not exhaustive.*

A2.3 Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Headteacher should discuss the request with the child and take their views into account when deciding. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or carer shall make the decision on behalf of the child.

A2.4 In most cases, the Trust will not charge a fee for responding to a subject access request, however, the following should be noted:

- If the request is manifestly unfounded or excessive, or if further copies are requested following a previous request, a reasonable fee will be charged for administrative purposes.
- An individual with parental authority may view an educational record free of charge, but a request for a copy of this record will incur a fee, dependent upon the number of pages provided.
- If the request is for other information excluding the educational record then the maximum charge is £10
- If the education record is to be supplied as part of a right of access under data protection, the Trust can charge for information held in the education record but not for any other personal data held by the Trust supplied in its response to a SAR.

A2.5 The response time for subject access requests, once officially received, is one calendar month. A calendar month starts on the day the organisation receives the request, even if that day is a weekend or public holiday. It ends on the corresponding calendar date of the next month. However, the days will not commence until after receipt of any fees or clarification of information sought. The Trust may tell the individual that we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary.

- A2.6 The General Data Protection Regulation allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**
- A2.7 Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another Trust. Before disclosing third party information consent should normally be obtained. There is still a need to adhere to the one calendar month statutory timescale.
- A2.8 Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another will not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
- A2.9 A request will be denied if it would mean releasing examination marks before they are officially announced.
- A2.10 If there are concerns over the disclosure of information, then additional advice should be sought.
- A2.11 Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained to establish, if a complaint is made, what was redacted and why.
- A2.12 Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
- A2.13 Information can be provided at the Trust with a member of staff on hand to help and explain matters if requested or provided at face-to-face handover. The views of the applicant should be considered when considering the method of delivery. If postal systems must be used, then registered/recorded mail must be used.

A3.0 Complaints

- A3.1 Initial complaints about the above procedures should be made to the Headteacher who will decide whether it is appropriate for the complaint to be dealt with in accordance with the Trust's complaints procedure. If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made then this should be addressed to the Information Commissioner's Office via the website or by telephone on 01625 545 700