



**ST MARY'S**

Church of England Primary School

**St Mary's  
C of E  
Primary  
School**

**Data Protection (GDPR)**

**2023-2025**

# St Mary's C of E Primary

**Name of Policy:** Data Protection (GDPR)

**Author:** Carol Benson

**Adopted following governor approval:** November 2023

**Reviewed:** October 2024

**Review date:** November 2025

This school is committed to safeguarding and promoting the wellbeing of all children, and expects our staff and volunteers to share this commitment. Please report any safeguarding or child protection concerns to the designated teachers for Child Protection:

Mrs Benson, Mrs Whitehead & Mr Butterwick

The Governors and Staff of St Mary's CE Primary School are committed to educating the children spiritually, academically, emotionally and physically within a distinctive Christian ethos.

## ***“Through God we live and learn”***

*‘The fruit of the spirit is love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, self-control; against such things there is no law’ (Galatians 5:22)*

Love, respect and moral understanding lie at the heart of the ethos of St Mary's Church of England Primary School. We see our learners as the future custodians of God's world. We aim to nurture and encourage happy individuals who are socially engaged and curious about life within and beyond their own community. We value and encourage difference and diversity. St Mary's is a nurturing, safe place for children to question, to learn to love and respect other people and to discover their place in the world. We have traditional values, rooted in the Christian faith, as well as global, 21<sup>st</sup> Century aspirations for all our pupils.

St Mary's is part of the Wharfe Valley Learning Partnership, a collaborative of schools in Wetherby and Boston Spa, where the vision for all children is to be respectful, globally aware and compassionate as well as ambitious, resilient and engaged in their learning.



## **Introduction**

St Mary's C of E Primary School will comply with the demands of the General Data Protection Regulation (GDPR) to be known as the Data Protection Act 2018.

Members of staff will gain familiarisation with the requirements of the GDPR either in a staff briefing, as part of their induction or by watching the schools Data Protection training video.

This policy follows guidance issued by the Information Commissioner's Office (ICO) and the Department for Education (DfE).

The school is a Data Controller as data is processed that is the personal information of pupils, families, staff, visitors, and other school users.

The school is a Data Processor as it processes data on behalf of other public bodies such as the DfE.

### **Aims of this policy:**

- To ensure the definitions surrounding data processing are understood.
- To ensure compliance with data handling and storage.
- To ensure staff understand their responsibilities in relation to data processing and protection.
- To ensure relevant regulations are upheld.

### **St Mary's C of E Primary School Responsibilities:**

- To provide staff with up-to-date information.
- To ensure data is controlled and stored appropriately and as intended.
- To ensure staff know their responsibilities in relation to the collection, use, storage and disposal of information.
- To ensure information is collected, used, stored and disposed of appropriately.
- To maintain all the correct policies and procedures to comply with data protection regulations.

### **School Staff Responsibilities:**

- To maintain data is held correctly and used appropriately.
- To ensure no breaches of data protection occur.
- To report all breaches in data protection and processing are reported to the school Data Protection Officer and Head Teacher.
- To prevent children from accessing inappropriate school data.

### **Office Staff:**

- To maintain data is held correctly and used appropriately.
- To ensure the process for collecting data and the type of data collected is relevant and current.
- To ensure no breaches of data protection occur.
- To report all breaches in data protection and processing are reported to the school Data Protection Officer and Head Teacher.
- To prevent children from accessing inappropriate school data.

### **Head Teacher:**

The head teacher will be responsible for ensuring all staff understand and comply with this policy, to ensure staff are trained and inducted appropriately and to appoint an appropriate Data Protection Officer

**Governors :**

Governors will ensure that staff have signed for an understand the information provided in this policy document.

**Definitions:**

**Data processing –**

The acquisition, storage, processing and transmission of data.

**Data subject –**

Any identifiable person whose data is processed.

**Consent –**

Must be freely given, specific and a clear, undisputable, indication of the subject's wishes.

The person giving consent should understand what the data will be used for.

It must be recorded and available to an audit.

A person must be 13 years old to record their consent.

For children under 13 years old a parent or guardian must give consent on their behalf.

**Cross-border processing –**

The GDPR covers the UK all EU states as post Brexit the GDPR was written into UK law. Data cannot be stored beyond the EU and UK borders (the exact borders are those of the European Economic Area).

**Sensitive data –**

The GDPR/ICO requires that particular care is taken with the following data

- Data regarding children
- Health (physical, mental, genetic)
- Ethnicity
- Religion
- Sexuality
- Performance management and trade union membership

**Filing system –**

Any structured set of personal data, in any format (physical or digital), that can be processed. This could include an IMS.

**Personal data breach –**

A breach of data security leading to the accidental or unlawful destruction, loss, theft, alteration, unauthorised disclosure, destruction, sale or access to any processed data. Data subjects affected by a data breach must be informed of the breach within 72 hours of the breach being detected. Breaches must be reported to the ICO within 72 hours from the time the breach was initially detected. All breaches of data should be stored on a data breach log maintained by the school.

**Pseudonymisation –**

The act of making data anonymous. There must be security between pseudonymised data and any data that could re-identify a person.

### **Password protection –**

The act of 'locking' a device or document. The information remains readable beyond the password.

### **Encryption –**

The act of encoding all the information beyond a password or code.

### **Legal basis –**

The school decides, and registers with the ICO, upon which legal basis it processes data. As a public body with set duties the school uses the following bases for processing and controlling data Legal basis: Public Task

- Admissions
- Attendance
- Assessment
- Pupil and staff welfare
- Safe recruitment
- Staff training
- Performance Management

Legal basis: Consent

- Various uses of photographs and moving images
- Trade union membership
- Staff ethnicity, religion and health data (Note the Staff Privacy Statement)
- The use of data to promote the social life of the school community

Legal basis: Contract

- When processing is required to carry out the performance of a contract

### **Personal data –**

Anything that might lead to the identification of a person: name, number, characteristics, photograph, correspondence.

### **Data portability, data subject access request –**

Data subjects (or a child's parents) may request access to a copy of all their data. The school has established an efficient means of accomplishing this task which may not carry a charge and will be completed within 15 working days. Data subjects may request that data is brought up-to-date or made more accurate, these requests must be made in writing to the school office and head teacher.

### **Principles**

- Personal data must be processed lawfully, fairly and transparently.
- Personal data can only be collected for specific, explicit, and legitimate purposes.
- Personal data must be adequate, relevant and limited to what is necessary for processing.
- Personal data must be accurate and kept up to date.
- Personal data may identify the data subject only as long as is necessary for processing.
- Personal data must be processed in a manner that ensures its security.
- Any breaches in data security must be reported to the ICO within 72 hours.
- The school must report any breaches caused by third parties who have access to school users' data within 72 hours.
- The school must inform any data subject (person identified in data) where a data breach may have led to the unauthorised access to their personal information.

### **Roles and Responsibilities**

The school's Privacy Statements set out in detail how the school will maintain the security of school users' data.

The Acceptable Use Policies set out the duties of the staff and other school users in supporting data security.

Within school the security of data is coordinated by Mrs Carol Benson.  
The governor with special responsibility for data security is Julia Norton.

The school has appointed a Data Protection Officer who has responsibility for overseeing the implementation of this policy and all GDPR related documents. The DPO will monitor compliance, report to the school leadership and support the school with updates and interpretations as the GDPR develops.

The DPO will liaise between the school and the ICO and must be informed as soon as is practicable of any personal data security breach.

The DPO will support the school in its communication with schools users (pupils, families, parents, governors, contractors and visitors) about the school's GDPR procedures. This will include the drafting of privacy statements, acceptable use policies and data subjects rights.

Data subject requests should be made in writing to the DPO via the school office. The DPO might have to respond to any or all of the following:

- Why the data is processed
- On which basis
- Who has seen it
- How long it will be stored for
- Where the data was sourced
- Whether decisions have been based on the data Children below the age of 13 do not have the right to make a subject access request, so requests must be made by parents. The school may take into account the views of a pupil.

The school's DPOs are:

Mr Oliver Butterwick

[mrbutterwick@stmaryscofe.org.uk](mailto:mrbutterwick@stmaryscofe.org.uk)

01937 844395

Mrs Hannah Thomas

[mrsthomas@stmaryscofe.org.uk](mailto:mrsthomas@stmaryscofe.org.uk)

01937 844395

St Mary's C of E Primary School has engaged the services of Impero Solutions to support their DPO and to ensure legal compliance. They offer consultation services to school on all Data Protection matters via their helpdesk 01509 611341, [support@imperosoftwear.com](mailto:support@imperosoftwear.com).

Staff should contact the DPO should they believe that this policy and/or the privacy statements and/or the acceptable use policies are not being followed.

## **Data Audit**

The school will carry out a data audit with support from Impero Solutions as required. Within the audit the school will record all third parties' compliance with the GDPR if those third parties process data for any school users. Such confirmation forms an essential part of any contract with third parties when the processing of school users' data is involved.

The school will not share data, or have any data processed, by any third parties who do not confirm their compliance with GDPR requirements.

Preferably companies that process school users' data will have certification to ISO27001.

The audit will also check the security of physical and digital records and devices.

## **Processing Records**

To meet the ICO's recommendation that 'scrupulous records' are developed the school will record its processing of data and the results of its data audit.

It will record the ongoing security measures for physical and digital filing systems.

Confirmation of compliance by third parties accessing any school user data will be recorded.

In broad terms the school will record which data has been processed (including deletions when data should no longer be stored) on which legal basis.

Consent replies are recorded within the system.

## **Sharing Data**

Personal data may be shared with third parties to:

- Protect the vital interests of a child
- Protect the vital interests of a member of staff
- To prevent or support the detection of fraud or other legal proceedings
- When required to do so by HMRC

## **CCTV**

CCTV is used to support the safety and security of school users. We adhere to the ICO's code of practice\* for its use. Although consent is not required for its use prominent notices inform school users that CCTV is used within the school site.

*\*In the picture: A data protection code of practice for surveillance cameras and personal information*

## **Photographs and moving images**

Consent is requested from parents and staff for the use of images. Letters requesting consent outline the choices that pupils and staff may make for the use of their images. The school may seek consent to use photographs for the following purposes:

- To support school user welfare (identity and security)
- To celebrate achievement within the classroom
- To celebrate achievement within the school
- To celebrate achievement in the printed press
- To celebrate achievement online

## **Disposal of Records Schedule**

This disposal schedule identifies the disposal arrangements for all manual and electronic records created by St Mary's C of E Primary School. The Schedule complies with the requirements of the Public Records Act (NI) 1923 and the Disposal of Documents Order (S.R.& O.1925 No 167).

### **Categories of Disposal**

- Destruction
- Permanent preservation

### **Closing a file**

Manual records should be closed as soon as they cease to be of active use other than for reference purposes. When a file is due to be closed an appropriate member of staff should consult the disposal schedule and mark the front cover of the file, indicating the date on which the file can be destroyed, or whether it should be reviewed by a member of staff. Closing a file simply means that no further papers can be added but the file can be used for reference.

### **Minimum Retention Period**

With the exception of pupil files, the minimum retention period required for each type of record is calculated from the point the file/record is closed.

### **Destroy**

Where the disposal action states 'Destroy' the records should be kept for the period stated and then destroyed securely. A record must be maintained of the files that have been destroyed.

### **Commitment to preserving files/records**

St Mary's C of E Primary School declares that it will take measures to ensure that the records it creates (including electronic records) will be well maintained and protected while they are in its custody.

There are six main functional areas for which St Mary's C of E Primary School records as follows:

1. Management and Organisation
2. Legislation & Guidance
3. Pupils
4. Staff
5. Finance
6. Health & Safety

The records contained within these functional areas provide evidence and information about its business activities and are important for the efficient operation of the school.

## **1. Management and Organisation**

This category comprises records held which relate to the management and organisation of the school. Typical records would include the minutes of the Board of Governors, the Senior Management Team and Parent/Teachers Association meetings which record the major decision making processes of the school. Also included are records detailing development, planning and curriculum policies as well as those that demonstrate how the school reports to its parents and other organisations. Records include the School Development Plan, the School Prospectus, Curriculum policies, Annual Report, Emergency Planning and Business Continuity Plan along with the records of meetings, minutes, and policies documenting the decisions and actions taken within this business function.

## **2. Legislation and Guidance from DE, ELBs, ESA, & CCMS**

Files maintained under this heading contain papers relating to legislation e.g. the Education (NI) Order, Circulars, Guidance, Bulletins from the Dept of Education and Education & Library Boards, CCMS etc, correspondence in connection with Statistical Returns and documents relating to Dept of Education Inspections and Reports.

## **3. Pupils**

Pupil Files contain vitally important records which, not only capture the progress of the student throughout their time at the school, but also contain personal details and information beneficial to their well being within the school environment. Such records would include admission data, attendance of the pupils at the school, timetables and class groupings, education/progress reports of pupils, special education needs documentation, child protection information, disciplinary action taken, examination results, careers advice, school trip details and medical records (details of medical conditions where medicines are required to be administered at school).

## **4. Staff**

Staff category refers to those records required for the Human Resources Management function within the school. These include staff personnel records (recruitment, interview notes, appointments, training, staff development etc), staff salary records, staff induction, sickness records, staff performance review, substitute teacher records and student teachers on teaching practice etc.

## **5. Finance**

This business function maintains records for a range of financial activities such as annual budgets, budget monitoring, Annual Statement of Accounts, procurement, tender information and prices, reconciliation of invoices, audit reports etc.

## **6. Health & Safety**

The health and safety of children and staff is of paramount importance in the school and such records to support this are kept e.g. Accident/Incident Book, legal/accident/incident forms, risk assessments, fire procedure, CCTV, security system files, health and safety policy statement.

## **Electronic Records**

The legal obligation to properly manage records, including compliance with Data Protection legislation, applies equally to electronic records. **The main considerations for the management of electronic records are therefore the same as those for manual records. They include:**

- Staff must be able to use and access electronic information effectively
- Adequate measures must be in place to ensure all information is stored securely and only

available to authorised persons.

- A school must be able to demonstrate a record's authenticity by ensuring information cannot be altered when declared a record.
- A system must be in place for disposing of electronic records in line with policy once they are no longer needed.

In addition to the above, sufficient backup/recovery processes must be in place.

The School Board of Governors is ultimately responsible for records management within the school. The decision to move towards electronic records has been taken carefully and the Board of Governors have satisfy themselves that the measures identified above have be achieved.

## School Disposal Schedule

### 1. Management & Organisation

Ref	Record	Minimum Retention Period	Action After Retention
1.1	Board of Governors – general correspondence	Current school year + 6 years	Destroy
1.2	BOG Meetings Minutes (master)	Current school year + 6 years	Offer to PRONI for Permanent Preservation
1.3	Senior Management Team-Meeting Minutes	Current school year + 6 years	Offer to PRONI for Permanent Preservation
1.4	Staff Meeting Minutes	Current school year + 6 years	Destroy
1.5	School Development Plan	Retain in school for 10 years from closure of Plan	Offer to PRONI for Permanent Preservation
1.6	School Policies	Retain while current. Retain 1 copy of old policy for 2 years after being replaced	Destroy
1.7	PTA – minutes and general correspondence	Current school year + 6 years	Destroy
1.8	Visitors Book	Current school year + 6 years	Destroy
1.9	Circulars to Staff, Parents and Pupils	Current school year + 3 years	Destroy
1.10	School Brochure or Prospectus	Current school year + 3 years	Destroy
1.11	Comments/Complaints	5 years after closing. Review for further retention in the case of contentious disputes	Destroy
1.12	Annual Report	Retain in school for 10 years from date of Report	Offer to PRONI for Permanent Preservation
1.13	School Fund	Current financial year + 6 years	Destroy
1.14	Emergency Planning/Business Continuity Plan	Until superseded	Destroy

## 2. Legislation and Guidance from DE, ELB, ESA, CCMS etc

Ref	Record	Minimum Retention Period	Action After Retention
2.1	Education (NI) Order	Until superseded	Destroy
2.2	Circulars, Guidance, Bulletins from DE, ELB etc	Until superseded	Destroy
2.3	Correspondence re: Statistical Returns to DE, ELB etc	Current financial year + 6 years	Destroy
2.4	DE Reports, Inspections	Until superseded	Destroy

## 3. Pupils

Ref	Record	Minimum Retention Period	Action After Retention
3.1	<i>Pupil Admission Data</i>		
3.1a	Applications for enrolment	3 years after enrolment	Destroy
3.1b	Transfer applications (Transfer Forms)	3 years after enrolment	Destroy
3.2	Pupil Attendance Information/Registers	Date of Register + 10 years	Offer to PRONI for Permanent Preservation
3.3	Pupil Education Records - School/Progress Reports etc	Until pupil is 23 years old	Destroy
3.4	Pupil Education Records - School/Progress Reports etc (Special Educational Needs)	Until Pupil is 26 years old	Destroy
3.5	Child Protection Information- Record of concerns where case was not referred to Social Services	10 years after last entry on file	Destroy
3.6	Child Protection Information- Social Services investigation outcome was unfounded or malicious	10 years after last entry on file	Destroy

3.7	Child Protection Information- Social Services investigation outcome was inconclusive, unsubstantiated or substantiated	Until pupil is 30 years old	Destroy
3.8	Disciplinary Action (Suspension/Expulsion)/Offences – bullying	Until pupil is 23 years old	Destroy
3.9	Disciplinary Action (Suspension/Expulsion)/Offences – bullying (Special Educational Needs)	Until pupil is 26 years old	Destroy
3.10	Timetables + Class Groupings	Retain while current	Destroy
3.11	Examination Results	Current school year + 6 years	Destroy
3.12	Careers Advice	Current school year + 6 years	Destroy
3.13	School Meals returns	Current financial year + 6 years	Destroy
3.14	Free Meals registers	Current financial year + 6 years	Destroy
3.15	School Trips – Financial & Administration details	Current financial year + 6 years	Destroy
3.16	School Trips-Attendance/Staff Supervision etc	Current financial year + 6 years. In the case of an incident/accident involving a pupil, retain until pupil is 23 years old or 26 for a pupil with special educational needs	Destroy
3.17	Reports of Stolen/Damaged Items	Current financial year + 6 years	Destroy
3.18	Medical Records – records of pupils with medical conditions and details for the administration of drugs when necessary.	Until pupil is 23years old or in the case of a Special Needs Pupil, until 26 years old	Destroy

#### 4. Staff

Ref	Record	Minimum Retention Period	Action After Retention
4.1	Staff Personnel Records (including, appointment details, training, staff development etc.)	7 years after leaving employment	Destroy

4.2	Interview notes and recruitment records	Date of interview + 6 months	Destroy
4.3	Staff Salary Records	7 years after leaving employment	Destroy
4.4	Staff Sickness Records (copies of Medical Certs)	Current school year + 6 years	Destroy
4.5	Substitute Teacher Records	Current school year + 6 years	Destroy
4.6	Substitute Staff Records-non teaching (cover for nursery assistants)	Current school year + 6 years	Destroy
4.7	Student Records-non teaching (e.g. nursery assistant students & pupils from schools on work experience)	Current school year + 6 years	Destroy
4.8	Student Teachers on Teaching Practice – student teacher progress	Current school year + 6 years	Destroy
4.9	Procedures for Induction of Staff	Until superseded	Destroy
4.10	Staff/Teachers' Attendance Records	7 years after leaving	Destroy
4.11	Staff Performance Review	7 years after leaving	Destroy

## 5. Finance

Ref	Record	Minimum Retention Period	Action After Retention
5.1	Annual budget and budget deployment	Current financial year + 6 years	Destroy
5.2	Budget Monitoring	Current financial year + 6 years	Destroy
5.3	Annual Statement of Accounts (Outturn Statement)	Current financial year + 6 years	Destroy
5.4	Order Books, Invoices, Bank Records, Cash Books, Till Rolls, Lodgement books etc	Current financial year + 6 years	Destroy
5.5	Postage Book	Current financial year + 6 years	Destroy
5.6	Audit Reports	Current financial year + 6 years	Destroy

## 6. Health & Safety

<b>Ref</b>	<b>Record</b>	<b>Minimum Retention Period</b>	<b>Action After Retention</b>
6.1	Accident Reporting (Adults)	Date of incident + 7 years	Destroy
6.2	Accident Reporting (Children)	Until pupil is 23years old or in the case of a Special Needs pupil, until 26 years old	Destroy
6.3	Risk Assessments – work experience locations/pupils	7 years	Destroy
6.4	H & S Reports	15 years	Destroy
6.5	Fire Procedure	Until superseded	Destroy
6.6	Security System File	For the life of the system	Destroy