

## DATA PROTECTION “GDPR” POLICY

Wingate School recognises the volume of personal data that is collected, processed and held in relation to its pupils, staff, parents, contractors and suppliers. The School will take all necessary steps to ensure that the data is collected, processed and held within a secure environment and in accordance with General Data Protection Regulation (‘GDPR’), the Data Protection Act 2018.

Everyone has rights with regard to the way in which their personal data is handled. During the course of our activities as a School, we will collect, store and process personal data about our students, workforce, parents and others. The law imposes significant fines for failing to lawfully process and safeguard personal data and failure to comply with this policy may result in those fines being applied. All members of our staff must comply with this policy when processing personal data on our behalf. Any breach of this policy may result in disciplinary or other action being taken.

### About This Policy

The types of personal data that we may be required to handle include information about students, parents, staff, and others that we deal with. The personal data which we hold is subject to certain legal safeguards specified in the General Data Protection Regulation (‘GDPR’), the Data Protection Act 2018, and other regulations (together ‘Data Protection Legislation’). This policy and any other documents referred to in it set out the basis on which we will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources.

### Data Protection Officer

1. As a School we are required to appoint a Data Protection Officer (DPO). Our DPO is Miss E Ramirez and she can be contacted at [protecciondedatos@wingateschool.com](mailto:protecciondedatos@wingateschool.com)
2. The DPO is responsible for ensuring compliance with the Data Protection Legislation and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPO.
3. 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

When processing personal data we will comply with the data protection principles. These ensure that personal data is:

- a. processed fairly, lawfully and transparently in relation to the data subject
- b. processed for specified, lawful purposes.
- c. adequate, relevant and not excessive for the purpose
- d. accurate and up to date
- e. not kept for any longer than is necessary for the purpose
- f. processed securely using appropriate technical and organisational measures.

### Fair and Lawful Processing

Data Protection Legislation is not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.

We will only obtain such personal data as is necessary and relevant to the purpose for which it was gathered, and will ensure that we have a lawful basis for any processing.

When special category personal data is being processed then an additional legal ground must apply to that processing. We will normally only process special category personal data under following legal grounds:

1. where the processing is necessary for employment law purposes, for example in relation to sickness absence
2. where the processing is necessary for reasons of public interest
3. where the processing is necessary for health or social care purposes or reasons
4. where none of the above apply then we will seek the consent of the data subject to the processing

Subjects of the above matters by way of appropriate privacy notices which shall be provided to them when we collect the data or as soon as possible thereafter, unless we have already provided this information such as at the time when staff or students join the school.

There may be circumstances where it is considered necessary to process personal data or special category personal 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.

### **Consent**

When students or our workforce join the School a consent form will be required to be completed in relation to them. This consent form deals with the taking and use of photographs and videos of them, among other things. Where appropriate third parties may also be required to complete a consent form.

In relation to all pupils under the age of 14 years old we will seek consent from an individual with parental responsibility for that pupil.

### **Timely Processing**

We will not keep personal data longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all personal data which is no longer required.

### **The Right to Rectification**

If a data subject informs the School that personal data held about them by the School is inaccurate or incomplete then we will consider that request and provide a response within one month.

If we consider the issue to be too complex to resolve within that period then we may extend the response period by a further two months. If this is necessary then we will inform the data subject within one month of their request that this is the case.

We may determine that any changes proposed by the data subject should not be made. If this is the case then we will explain to the data subject why this is the case.

### **The Right to Be Forgotten**

Data subjects have a right to have personal data about them held by the School erased only in the following circumstances.

- Where the personal data is no longer necessary for the purpose for which it was originally collected.
- When a data subject withdraws consent – which will apply only where the School is relying on the individual's consent to the processing in the first place.
- When a data subject objects to the processing and there is no overriding legitimate interest to continue that processing
- When it is necessary to erase the personal data to comply with a legal obligation.

### **Right to Data Portability**

In limited circumstances a data subject has a right to receive their personal data in a machine readable format, and to have this transferred to another organisation. If such a request is made then the DPO must be consulted.

### **Data Security**

We will take appropriate security measures against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. We will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction. These include:

- a. Entry controls on all access points to the school.
- b. Secure lockable desks and cupboards.
- c. Methods of disposal of data
- d. Password controlled equipment i.e. pc's, chromebooks, laptops, printers

### **Data Protection Impact Assessments**

In certain circumstances the law requires us to carry out detailed assessments of proposed processing. This includes where we intend to use new technologies which might pose a high risk to the rights of data subjects because of the types of data we will be processing or the way that we intend to do so. The School will complete an assessment of any such proposed processing and has a template document which ensures that all relevant matters are considered.

The DPO should always be consulted as to whether a data protection impact assessment is required, and if so how to undertake that assessment.

### **Disclosure and Sharing of Personal Information**

We may share personal data that we hold about data subjects, and without their consent, with other organisations. Such organisations include the Department for Education, Ofsted, Health Authorities and Professionals, Examination bodies, other schools, and other organisations where we have a lawful basis for doing so.

The School will inform data subjects of any sharing of their personal data unless we are not legally required to do so, for example where personal data is shared with the police in the investigation of a criminal offence.

### **Data Processors**

We contract with a number of organisations who provide services to the School. In order that these services can be provided effectively we are required to transfer personal data of data subjects to these data processors where appropriate. Personal data

will only be transferred to a data processor if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures themselves to the satisfaction of the School.

### Images and Videos

Parents and others attending School events can take photographs and videos of those events for domestic purposes **only**. The School does not agree or accepts any liability to any such photographs or videos being used for any other purpose. The School insists that parents and others do not post any images or videos which include any child other than their own child on any social media or otherwise publish those images or videos.

As a School we want to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials used in the media or national newspapers covering school events or achievements. Whenever a student joins the School they, or their parents where appropriate, will be asked to complete a consent form in relation to the use of images and videos of that student.

### CCTV

The School operates a CCTV system. Please refer to the School CCTV Policy.

### Changes to this Policy

We may change this policy at any time. Where appropriate, we will notify data subjects of those changes.

Mr M Howells  
Head of Wingate School

Miss E Ramirez  
Data Protection Officer

Date of review: September 2022

### ANNEX DEFINITIONS

Term	Definition
Data	Information which is stored electronically, on a computer, or in certain paper-based filing systems.

Data Subjects	For the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.
Personal Data	Any information relating to an identified or identifiable living natural person (a data subject); an identifiable living 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.
Data Controllers	The people who or organisations 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. We are the data controller of all personal data used in our business for our own commercial purposes.
Data Users	Those of our workforce (including governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times.
Data Processors	Any person or organisation that is not a data user that processes personal data on our behalf and on our instructions.
Processing	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	Information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition, sexual life, genetic or biometric data.
Workforce	Includes any individual employed by Wingate School such as staff and those who volunteer in any capacity including governors, trustees and parent helpers.