



Laurelhill Community College



General Data Protection Policy

Introduction

We, Laurelhill Community College, need to gather and use certain information about individuals.

This can include information about pupils and employees, volunteers, suppliers, service users, facilities users, residents, business contacts, and other people we have a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled and stored to meet data protection standards and to comply with the law.

Why this policy exists

This data protection policy ensures that we:

- Comply with data protection law and follow good practice.
- Protect the rights of members and staff, volunteers and other people we have a relationship with or may need to contact.
- Are open about how we store and process individuals' data.
- Protect ourselves from the risks of a data breach.

Data protection law

The General Data Protection Regulation (EU 2016/679) ("GDPR") regulates how organisations collect, handle and store personal information.

These rules apply regardless of whether data is stored electronically, on paper or on other materials. To comply with the law, personal information must be collected and used fairly, stored and disposed of safely and not disclosed unlawfully. The GDPR is underpinned by six important principles to which we will adhere. These say 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 that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
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 are inaccurate, having regard to the purposes for which they are processed, are 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 are 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; and
6. 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.

Policy scope

This policy applies to Laurelhill Community College and all staff, Principal, volunteers, contractors, suppliers and other people processing personal data on behalf of us.

It applies to all data that we hold relating to identifiable individuals. This can include for example:

- Names of individuals, postal/email addresses, telephone numbers.
- Sensitive personal data such as information in relation to physical or mental health conditions, religious beliefs, ethnic origin, sexual orientation.

Data Protection Risks

This policy helps to protect Laurelhill Community College from some very real data security risks, including:

- Breaches of confidentiality – for instance, information being given out inappropriately about our pupils, volunteers or staff.
- Failing to offer choice – for instance, all individuals should be free to choose how we use data relating to them.
- Reputational damage – for instance, we could suffer if hackers or thieves successfully gained access to personal data.

Responsibilities

Everyone who works for or with us has some responsibility for ensuring personal data is collected, stored and handled appropriately.

Everyone who handles personal data must ensure that it is handled and processed in line with this policy and data protection principles. Failure to comply with the data protection policy and principles is a serious offence and in the case of staff could result in disciplinary action.

However, the Office-bearers are ultimately responsible for ensuring that legal obligations are met. This responsibility includes;

- Staying up to date with data protection responsibilities, risks and issues.
- Reviewing all data protection procedures and related policies, in line with an agreed schedule.
- Arranging data protection training and advice for the people covered by this policy.
- Dealing with requests from individuals to see the data held about them (also called “subject access requests”).
- Checking and approving any contracts or agreements with third parties that may handle the school’s sensitive data.

General Staff and Volunteer Guidelines

- The only people able to access data covered by this policy should be those who need it to perform their responsibilities on behalf of the school.
- Data should not be shared informally.
- We will provide guidance to all staff, and volunteers to help them understand their responsibilities when handling data.
- Staff, and volunteers should keep all data secure, by taking sensible precautions and following the guidelines below.
- In particular, strong passwords must be used and changed regularly; they should never be shared.
- Personal data should not be disclosed to unauthorised people, either internally or externally.
- When receiving telephone enquiries, we will only disclose personal data we hold on our systems if the following conditions are met:
 - a) We will check the caller's identity to make sure that information is only given to a person who is entitled to it.
 - b) We will suggest that the caller put their request in writing if we are not sure about the caller’s identity and where their identity cannot be checked.

Our staff, and volunteers will refer a request to the School Secretary for assistance in difficult situations. Individuals should not be pressurised into disclosing personal information.

- Data should be regularly reviewed and updated if it is found to be out of date. If no longer required, it should be deleted and disposed of.
- Staff, and volunteers should request help from the Principal if they are unsure about any aspect of data protection.
- Live streaming should have the consent of parents.

Data Collection

In accordance with data protection legislation the main legal basis for collecting personal data on our members and those affiliated with us will be on the basis that it is necessary for us to hold said data for the purposes of legitimate interests which are not overridden by the interests of the data subject. In respect of certain types of sensitive data, this data will be held on the basis that it is processed in the course of the legitimate activities.

Other legal bases will also apply such as employment law, contract law, etc. There are particular provisions under the General Data Protection Regulation when the legal basis being relied upon is consent. In certain circumstances we may need to seek consent to process personal data, particularly if it is outside of normal day to day activities or it would involve sharing personal data with a third party. If this is necessary then consent will be informed consent.

Informed consent is when

- An Individual clearly understands why their information is needed, who it will be shared with, the possible consequences of them agreeing or refusing the proposed use of the data
- And then gives their informed and unambiguous consent.

We will ensure that data is collected within the boundaries defined in this policy. This applies to data that is collected in person, or by completing a form.

When collecting data, we will ensure that the Individual (Data Subject):

- Has received sufficient information on why their data is needed and how it will be used;
- Is made aware what the data will be used for and what the consequences are should the Individual/Service User decide not to give consent to processing;
- Where necessary, grants explicit consent, either written or verbal for data to be processed;
- Is, as far as reasonably practicable, competent enough to give consent and has given so freely without any duress; and
- In the absence of valid consent (that which is freely given, specific, informed and unambiguous) or where consent is deemed unnecessary i.e. another legal basis applies, has received information as to the lawful basis for processing their information.

Processing in line with Data Subject's Rights

We will process all personal data in line with data subjects' rights, in particular their right to:

- Request access to data held about them by a data controller.
- Prevent the processing of their data for direct-marketing purposes.
- Ask to have inaccurate data corrected or erased.

- Prevent processing that is likely to cause damage or distress to themselves or anyone else.

Data Storage

These rules describe how and where data should be safely stored and the security measures implemented by us. Questions about storing data safely can be directed to the Principal.

When data is stored on paper, it should be kept in a secure place where unauthorised people cannot see it. These guidelines also apply to data that is usually stored electronically but has been printed out for some reason:

- When not required, the paper or files should be kept in a locked drawer or filing cabinet.
- Staff, and volunteers should make sure paper and printouts are not left where unauthorised people could see them, like on a printer.
- Data printouts should be shredded and disposed of securely when no longer required.
- A “clear desk” policy is in effect. All data stored on paper should be returned to the appropriate drawer or filing cabinet at the end of the day and no papers should be unnecessarily left unattended on desks during the day.
- Where personal data is recorded in a notebook consideration should be given to anonymization or pseudonymising of personal data so as to reduce the risk of damage to the data subject should the notebook be lost or stolen.

When data is stored electronically, it must be protected from unauthorised access, accidental deletion and malicious hacking attempts. It must be password protected and encryption should also be considered:

- Data should be protected by strong passwords that are changed regularly and never shared between staff, and volunteers.
- If data is stored on removable media (like a CD, DVD, flash drive etc.), these should be secured when not being used.
- Data should only be stored on designated drives and servers and should only be uploaded to an approved cloud computing service. When using services such as these you must be satisfied that the supplier will hold the data in a manner which is compliant with data protection legislation. To do this you should review their terms and conditions or other contractual information to ensure that these matters are addressed.
- Servers containing personal data should be sited in a secure location, away from general office space.
- Data is backed up frequently.
- Data should never be saved directly to laptops or other mobile devices like tablets or smart phones. In exceptional cases where it is necessary to temporarily save data to a laptop, pen drive, or other mobile device then equivalent measures such as password protection, encryption etc. as appropriate should be adopted.

- All servers and computers containing data are protected by approved security software and a firewall.
- Personal data collected by us should not be stored exclusively on a personal computer as this may prevent legitimate access to and use of that data by us.
- Security measures must be applied to personal devices consistent with those applied to our equipment.

Data Retention and Secure Destruction

Personal data will not be retained longer than necessary, in relation to the purpose for which such data is processed. We will ensure that secure storage/archiving periods are clearly defined for each type of data and ensure confidential destruction of data when no longer required. Any data that is to be disposed must be safely disposed of for example by shredding. Special care must be given to disposing of data stored in electronic media. Personal data may be retained on the basis of legitimate interest to ensure the preservation of an accurate historical record of the School.

Guidelines for the retention of data will be as follows;

Personnel files, including; training records, notes of disciplinary and grievance hearings, wages and salary records,	<ul style="list-style-type: none"> • 6 years from the end of employment
Application forms / interview notes	<ul style="list-style-type: none"> • Maximum of one year from the date of the interviews for those not subsequently employed. If employed, retain in personnel file.
Information relating to pupils	<ul style="list-style-type: none"> • Check for accuracy once a year • Record that pupils was a member of the group – permanent • Secure destruction of personal data other than name and fact of membership – three years after cease to be a member
Accident books, and records and reports of accidents & incidents	<ul style="list-style-type: none"> • (for Adults) 3 years after the date of the last entry • (for pupils) three years after the pupils attains 18 years (RIDDOR 1985)

Data Use

Personal data is of no value to us unless we can make use of it. However, it is when personal data is accessed and used that it can be at the greatest risk of loss, corruption or theft and as such we adopt the following additional security measures:

- When working with personal data, staff, and volunteers should ensure the screens of their computers are always locked when left unattended.
- Personal data should not be shared informally. In particular, employees should be particularly vigilant when sending data by e-mail as this form of communication is not secure.
- Financial Data, and in particular bank details of a data subject must not be transferred electronically. Bank details should only be transferred by letter and/or confirmed by telephone.
- Personal data should never be transferred outside of the European Economic Area without the approval of the Principal and will only be permitted in the event that an adequate level of protection can be guaranteed. Some suppliers (e.g. cloud storage, survey software etc.) may operate outside of the EEA in terms of the processing they carry out and we will only use suppliers that can demonstrate GDPR compliance and have agreed to this in their terms and conditions.
- Staff, and volunteers should not save copies of personal data to their own computers. Always access and update the central copy of any data.
- Consideration will be given to the anonymization or pseudonymising of personal data to promote the safe use or sharing of data within the organisation.

Data Accuracy

The law requires us to take reasonable steps to ensure data is kept accurate and up to date.

The more important it is that the personal data is accurate, the greater the effort we should put into ensuring its accuracy.

It is the responsibility of all staff, and volunteers who work with data to take reasonable steps to ensure it is kept as accurate and up to date as possible.

- Data will be held in as few places as necessary. Staff, and volunteers should not create any unnecessary additional data sets.
- Staff, and volunteers should take every opportunity to ensure data is updated.
- We will make it easy for data subjects to update the information we hold about them. For instance, via the website or through cards placed in the sanctuary.
- Data should be updated as inaccuracies are discovered.

Subject Access Requests

Emmanuel Baptist School is committed to complying with data protection legislation. Under the legislation individuals can access the personal data that an organisation holds about them. The individual is entitled to be:

- told whether any personal data is being processed;
- given a description of the personal data, the reasons it is being processed, and whether it will be given to any other organisations or people;
- given a copy of the information comprising the data; and given details of the source of the data (where this is available).

Individuals also have a number of other rights which we must comply with including the rights to:

- rectify personal data which is incomplete or inaccurate and if necessary inform third parties that this has been done.
- be informed of how personal data is processed in a transparent manner.
- have their personal data deleted unless if there is a valid reason not to do this.
- restrict processing of personal data for certain purposes.
- object to the processing of personal data in a certain way.
- have data transferred to a third party so it can be reused (data portability).
- have a say in whether automated decisions are being made using the personal data and insist on an actual person intervening.

Pupils also have the same rights as adults in this regard. In the case of young pupils these rights are usually exercised through their parents. However, if we are satisfied that the pupils in question is mature enough to understand their rights then we will respond to the pupils directly. We will encourage the pupils to discuss the matter with his or her parents. When responding to a request from a pupils we will take particular care to ensure that the response is given in a way which the pupils can understand.

There is no set fashion in which the individual has to make these requests and if such a request is made advice should be sought from the Principal.

Laurelhill Community College will aim to provide the relevant data within 14 days and in any event within 1 month of receipt of the request. If the nature of the request is particularly complex then an extension may be required to comply with the request. If this is the case, the individual will be informed and the reasons for the extension provided.

Individuals will not have to pay a fee to access their personal information (or to exercise any of the other rights). However, a reasonable fee may be charged if their request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.

Disclosing data for other reasons

In certain circumstances, the GDPR allows personal data to be disclosed to local authorities, law enforcement and statutory agencies without the consent of the data subject. Under these circumstances, we will disclose the necessary data. However, the Principal will ensure the request is legitimate, seeking assistance and approval from the School Secretary where necessary.

Data subjects will be made aware in most circumstances how and with whom their information will be shared. There are circumstances where the law allows us to disclose data (including sensitive data) without the data subject's consent. These include carrying out a legal duty and protecting vital interests of a member or other individual.

We regard the lawful and correct treatment of personal information as very important to successful working, and to maintaining the confidence of those with whom we deal.

Providing information to Data Subjects

We aim to ensure that individuals are aware that their data is being processed and that they understand:

- How the data is being used.
- How to exercise their rights in relation to same.

To these ends, we will issue a privacy notice as appropriate to pupils and those affiliated with our school, employees, customers, suppliers, business contacts, and other individuals we have a relationship with or may need to contact, setting out how data relating to an individual is used by us, how to exercise their rights in relation to same including options available and how to raise a complaint.

A copy of the privacy notice will also be available on our website.

Security Breach Management

If, despite the technical and organisational measures put in place to protect personal data, a data security breach occurs, it is important to manage and respond to it effectively. A data security breach covers more than the simple misappropriation of data and may occur through incidents, such as:

- Loss or theft of data or equipment.
- People gaining inappropriate access.
- A deliberate attack on systems.
- Equipment failure.
- Human error.
- Catastrophic events, (for example, fire or flood).
- Malicious acts such as hacking, viruses or deception.

If such an incident occurs it is imperative that action is taken immediately. The following steps will be taken:

1. The Principal will be informed immediately;
2. An investigation will be undertaken to determine:
 - i. The nature and cause of the breach; and
 - ii. The extent and nature of harm that has or could arise from the breach.

If there is no risk of harm then no further action is required (for example if papers are temporarily lost due to being incorrectly filed but are then promptly found and no disclosure has occurred or harm likely to occur then no further action is required).

If there is considered to be a risk of harm then the following steps must be undertaken:

1. Commissioner's Office must be informed within 72 hours. If all the information is not available a report should be made within the 72 hours on the basis of what is known while investigation continues.
2. If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, those individuals must be informed without undue delay. Examples of this could include where there is a high risk of reputational damage, embarrassment or putting the individual's property at risk.
3. Following notification liaison and cooperation with ICO will continue.
4. All reasonable steps to mitigate the damage arising from the breach will be taken.

A record of all data protection breaches will be maintained regardless of whether or not notification is required. Detailed records of the investigation will be maintained as well. Following a breach if necessary it must be considered whether any of the below is required:

- Complaints' procedure to be invoked;
- Disciplinary action;
- Internal review of security procedures.

Personal Data

Any information relating to an identifiable natural person '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.

Sensitive Personal Data

Any data relating to: racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health conditions, sexual life or sexual orientation, genetic data and/or biometric data. We process this data in respect of our both our service users and our staff.

A Data Subject

An individual who is the subject of personal data, not including deceased individuals or individuals who cannot be identified or distinguished from others – e.g. statistics.

Data Processing

The operation or set of operations performed upon personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Data Protection Lead

Is the person from time to time that has agreed with us to take on responsibility for ensuring that we abide by our data protection policies, to act as a point of contact for anyone with concerns as to how their information is being handled and generally to undertake the responsibilities as detailed in this policy.

Data Controller

The natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of processing the data.

Data Processor

A natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller.

Pseudonymisation

Pseudonymisation takes the most identifying fields within a database and replaces them with artificial identifiers, or pseudonyms. For example a name is replaced with a unique number. The purpose is to render the data record less identifying and therefore reduce concerns with data sharing and data retention

Encryption

Encryption is a mathematical function using a secret value — the key — which encodes data so that only users with access to that key can read the information. In many cases encryption can provide an appropriate safeguard against the unauthorised or unlawful processing of personal data, especially in cases where it is not possible to implement alternative measures.

This policy is available on request from info@laurelhill.lisburn.ni.sch.uk

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To be reviewed