



# **Data Protection (GDPR) POLICY**

Reviewed September 2024

Director: Danielle Ford

## PRIVACY NOTICE

We at DTW are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service

### WHAT THIS PRIVACY NOTICE IS FOR

This policy is intended to provide information about how we will use (or “process”) personal data about individuals including: its staff; its current, past and prospective pupils; and their parents, carers or guardians.

This information is provided because Data Protection Law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Privacy Notice and understand DTW’s obligations to its entire community.

This Privacy Notice applies alongside any other information that DTW may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Privacy Notice also applies in addition to the DTW’s other relevant terms and conditions and policies, including:

- Any contract between DTW and its staff or the parents of pupils;
- DTW’s policy on taking, storing and using images of children;
- DTW’s retention of records policy;
- DTW’s safeguarding, pastoral, or health and safety policies, including as to how concerns or incidents are recorded; and
- DTW’s safety policy

Anyone who works for, or acts on behalf of, the school (including staff, volunteers, governors and service providers) should also be aware of and comply with this Privacy Notice and/or the School’s Data Protection Policy for staff, which also provides further information about how personal data about those individuals will be used.

DTW collects and uses personal information about staff, pupils, parents and other individuals who come into contact with our alternative provision. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that DTW complies with its statutory obligations.

Schools/alternative provisions have a duty to be registered, as Data Controllers, with the Information Commissioner’s Office (ICO) detailing the information held and its use. These details are then available on the ICO’s website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### Our Commitment:

DTW is committed to the protection of all personal and sensitive data for which it holds responsibility as the Data Controller and the handling of such data in line with the data protection principles and the Data Protection Act (DPA) and The General Data Protection Regulation (**GDPR**) (Regulation (EU) 2016/679) <https://ico.org.uk/for-organisations/guide-to-data-protection/data-protectionprinciples/>  
<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

## What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### GDPR Principles:

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 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.”

### What are the lawful bases for processing?

The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever you process personal data:

- (a) Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- (b) Contract:** the processing is necessary for a contract you have with the individual, or because they have asked you to take specific steps before entering into a contract.
- (c) Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- (d) Vital interests:** the processing is necessary to protect someone’s life.
- (e) Public task:** the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.

- (f) Legitimate interests:** the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks.)

## General Statement

Do Talk Write is committed to maintaining the above principles at all times. Therefore, DTW will:

- Inform individuals why the information is being collected and when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- 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. Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.
- 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 of and understand our policies and procedures and have adequate training provided to them.
- All staff must know the steps you need to follow when personal data is lost / leaked to the open world.

The requirements of this policy are mandatory for all staff employed by DTW and any third party contracted to provide services within the school.

## Fair processing of personal data & data which may be shared

Schools, local education authorities and the Department for Education (DfE) all hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection and related Acts. This means, among other things, that the data held about pupils must only be used for specific purposes allowed by law. The school has a Fair Processing or Privacy Notice which explains how personal data is used and with whom it will be shared.

- Personal data and school records about pupils are confidential to the child. The information can be shared appropriately within the professional working at DTW to enable the school to make the best educational provision for the child. The law permits such information to be shared with other educational establishments when pupils change learning establishments.

Personal data about pupils will not be disclosed to third parties without the consent of the child's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

- Other schools
- Examination authorities
- Health authorities
- Police and Courts
- Social workers and support agencies
- Educational division
- Further examples will be noted within our privacy notices

### **Photographs and Video:**

Images of staff and pupils may be captured at appropriate times and as part of educational activities. Unless prior consent from parents/pupils/staff has been given, the school shall not utilise such images for publication or communication to external sources. It is the school's policy that external parties (including parents) may not capture images of staff or pupils during such activities without prior consent.

### **Storage and Deletion**

Personal data should always be kept securely and protected by passwords if it is electronic, and processing of the data should only be by those authorised to do so.

Hard copy data, records, and personal information are stored out of sight and in a locked cupboard. The exception to this is information that may require immediate access during the school day. Any such records will be stored safely by Danielle Ford.

Sensitive or personal information and data should not be removed from the DTW site; however, we acknowledge that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings or are on school visits with pupils.

- Paper copies of data or personal information should not be taken off the DTW site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places or left unattended under any circumstances.
- Unwanted paper copies of data, sensitive information or pupil files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or pupil by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in printer trays or photocopiers.

- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.
- Only school provided data storage (which are centrally archived/encrypted) should be used to store work-related personal data. No USB pen is to be used for storing personal data.
- If it is necessary to transport data away from the school or access school system remotely, any data should not be transferred or downloaded onto any home or public computers.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

- Some DTW records for a child can be kept after the child leaves the school up until their 25<sup>th</sup> birthday. Details on what information is kept and for what periods are detailed in our retention policy.
- The law also provides that personal data should not be kept longer than is required.
- Data on staff is sensitive information and confidential to the individual. It is only shared, where appropriate, at the discretion of the Head Teacher and with the knowledge, and if possible the agreement of the staff member concerned. This includes data on our e-mail system.
- Employment records form part of a staff member's permanent record. Because there are specific legislative issues connected with these (salary and pension details etc.) these records should be kept for no longer than 6 years after the year the information relates to.
- Interview records, CVs and application forms for unsuccessful applicants are kept for 6 months.
- All formal complaints made to the Head Teacher or School Governors will be kept for at least seven years in confidential files, with any documents on the outcome of such complaints. Individuals concerned in such complaints may have access to such files subject to data protection and to legal professional privilege in the event of a court case.
- All members of staff should only access school-provided systems (including e-mail) up to the last day of employment.

## **Rights of access to information**

Under the GDPR, individuals will have the right to obtain/submit a subject access request which gives:

- Access to their own personal data is a statutory right for pupils (if they are of an age to understand the data they request) and parents (as defined in the Education Act 1996) may also request access to their child's personal data.
- Parents should note that all rights under the Data Protection Act to do with information about their child rest with the child as soon as they are old enough to understand these rights. This will vary from one child to another, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12. Parents are encouraged to discuss and explain any request for information with their child if they are aged 12 or over.
- Staff have a right of access to personal data on themselves.

- Anyone has the right to question and correct inaccurate data, but this must be matters of fact, not opinions.
- Third party data (information about someone other than the requesting individual) should in general only be provided with their permission.
- Danielle Ford (Director) is the named person with overall responsibility for personal data within DTW.

All subject access requests (SAR's) should be made in writing addressed to the Data Protection Officer.

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

Danielle Ford  
14 Bampton Court  
Gamston  
Nottingham  
NG26PA

No charge should be applied to process the request unless a request is deemed excessive.

### **Right to be forgotten**

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped, and all their personal data is erased by DTW including any data held by contracted processors.

DTW recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services.

All data shall be destroyed or eradicated to agreed levels meeting recognised national standards, with confirmation at completion of the disposal process.

Disposal of IT assets holding data shall be in compliance with ICO guidance:

[https://ico.org.uk/media/for-organisations/documents/1570/it\\_asset\\_disposal\\_for\\_organisations.pdf](https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf)

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You can read more about cookies at the following websites, the About Cookies website also contains information on how to manage and delete your cookies:

- [About Cookies](#)
- [Wikipedia](#)

If you have any concerns about our cookie use or how we use your data in general, please contact us.

### **Notification:**

Our data processing activities will be registered with the Information Commissioner's Office (ICO) as required of a recognised Data Controller. Details are available from the ICO: <https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.