

Data Protection Policy

EATON HOUSE SCHOOLS
POLICY DOCUMENT

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Policy Statement

Eaton House Schools is fully committed to comply with the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR). Eaton House Schools collects and processes data relating to employees, pupils, parents and contractors and is committed to safeguarding the individuals privacy and protecting the personal data collected. It sets out principles which should be followed by all who process data and it gives new and extended rights to those whose data is being processed.

Principles of Data Protection

Eaton House School endorses fully and adheres to the six principles of data protection, as set out in Article 5 of the GDPR.

1. Data must be processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Data must be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
3. Data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Data must be 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. Data must be 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.
6. Data must be 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.

These principles must be followed at all times when processing or using personal information. Through appropriate management and strict application of criteria and controls, Eaton House Schools will;

- Observe fully the conditions regarding the fair collection and use of information including the giving of consent
- Meet its legal obligations to specify the purposes for which information is used
- Collect and process appropriate information only to the extent that it is needed to fulfil our operational needs or to comply with any legal requirements
- Ensure information is kept up to date
- Ensure that information is held for no longer than is necessary
- Ensure that the rights of individuals whom information is held can be fully exercised under GDPR (right to be informed that processing is being undertaken, to access one's personal information, to prevent processing in certain circumstances, and to correct, rectify or erase information that is regarded as incorrect) Please note the school must also abide to the law relevant to safeguarding, employment and health and safety

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- Take appropriate technical and organisational security measures to safeguard personal information
- Abide by individual's right to appeal or complain to the supervisory authority (the Information Commissioner's Office (ICO)) in the event that agreement cannot be reached in a dispute regarding data protection
- Ensure that personal information is not transferred abroad without suitable safeguards

Transferring of Information Abroad

Eaton House Schools does not transfer personal data outside the UK. On the rare occasion a pupil and their family will move abroad and Eaton House School may receive a request from the school the child is moving onto. This will be information that is transferred to a future school. Transfer of this information will be processed appropriately under GDPR.

Status of this Policy

The policy does not form part of the formal contract of employment for staff but it is a condition of employment that staff will abide by the rules and policies made by Eaton House Schools. Any failure to follow the Data Protection Policy may lead to disciplinary proceedings.

Staff Responsibilities

All staff are responsible for;

- Checking that any information that they provide to Eaton House Schools in connection with their employment is accurate and up to date.
- Informing Eaton House Schools of any changes to information that they have provided, e.g. change of address, either at the time of appointment or subsequently. Eaton House Schools cannot be held responsible for any errors unless the employee has informed the school of such changes.
- An email is sent to all staff at the start of each academic year reminding staff to inform HR if there are any changes to their personal data.
- Anyone working for or acts on behalf of the school must be aware of and comply with the Data Protection Policy and the Privacy Notice which provides further information about how personal data about individuals will be used.

Data Security

All staff are responsible for ensuring that;

- Any personal data that they hold is kept securely and processed securely
- Personal information is not disclosed either orally or in writing or via web pages or by any other means accidentally or otherwise, to any unauthorised third party

Staff should note that unauthorised disclosure will usually be a disciplinary matter, and may be considered gross misconduct in some cases. School procedures must be followed. Personal information should be kept in a locked filing cabinet if it is in paperwork format. Computerised format should be restricted allowing access only to authorised persons. Both local hard drive and on a network drive should be password protected and regularly backed up. Staff should always ensure that their computers are locked when they are not at their desks. Personal data should not be kept on removable storage media. No removable storage devices or paper copies containing personal data are permitted to be taken off the school premises. Personal data must not be uploaded to unauthorised external systems that are not part of the school's data system.

Headline Responsibilities of All Staff

Record Keeping

It is important that personal data held by Eaton House School is accurate, fair and adequate. Staff are required to inform the School if they believe that *any* personal data is inaccurate or untrue or if you are dissatisfied with how it is recorded. This applies to how staff record their own data, and the personal data of others – in particular colleagues, pupils and their parents – in a way that is professional and appropriate.

Staff should be aware of the rights set out below, whereby any individuals about whom they record information on School business (notably in emails and notes) digitally or in hard copy files may have the right to see that information. This absolutely must not discourage staff from recording necessary and sometimes difficult records of incidents or conversations involving colleagues or pupils, in accordance with the School's other policies, and grounds may sometimes exist to withhold these from such requests. However, the starting position for staff is to **record every document or email in a form they would be prepared to stand by should the person about whom it was recorded ask to see it.**

Data Handling

All staff have a responsibility to handle the personal data which they come into contact with fairly, lawfully, responsibly and securely and in accordance with the policies and procedures of the school. In particular, there are data protection implications across a number of areas of the School's wider responsibilities such as safeguarding and IT security, so all staff should read and comply with the following policies:

- Safeguarding and Child Protection Policy
- Social Media Policy
- IT Acceptable Use Policy
- Privacy Notice
- Staff Behaviour Safeguarding (Code of Conduct Policy)

This is not an exhaustive list and there may be additional school policies which may be relevant.

Responsible processing also extends to the creation and generation of new personal data and records, which should always be done fairly, lawfully, responsibly and securely.

Avoiding, mitigating and reporting data breaches

One of the key obligations contained in the General Data Protection Regulation is on reporting personal data breaches. Data controllers must report certain types of personal data breach (those which risk an impact to individuals) to the ICO within 72 hours.

In addition, data controllers must notify individuals affected if the breach is likely to result in a "high risk" to their rights and freedoms. In any event, the School must keep a record of any personal data breaches, regardless of whether we need to notify the ICO. If staff become aware of a personal data breach, they must notify their Line Manager and Elisabeth Milton, Head of Compliance. If staff are in any doubt as to whether to report something internally, it is always best to do so. A personal data breach may be serious, or it may be minor; and it may involve fault or not; but the school always needs to know about them to make a decision.

As stated above, the school may not need to treat the incident itself as a disciplinary matter – but a failure to report could result in significant exposure for the school, and for those affected, and could be a serious disciplinary matter whether under this policy or the applicable staff member's contract.

Care and data security

More generally, we require all school staff (and expect all our contractors) to remain mindful of the data protection principles, and to use their best efforts to comply with those principles whenever they process personal information. Data security is not simply an online or digital issue but one that effects daily processes: filing and sending correspondence, notably hard copy documents. Data handlers should always consider what the most assured and secure means of delivery is, and what the consequences would be of loss or unauthorised access.

We expect all those with management responsibilities to be particular champions of these principles and to oversee the swift reporting of any concerns about how personal information is used by the school to the Principal and Bursar, and to identify the need for (and implement) regular staff training. Staff must attend any training or complete any online training that Eaton House Schools require them to complete.

Disaster Recovery

Eaton House Schools backs up data daily offsite. Backups are verified regularly by the software and system supplier. Firewalls and virus checks are kept up to date, and users are trained in virus avoidance and detection. Computers are protected from physical harm, theft or damage. Eaton House plans for how to deal with loss of electricity, external data links, server failure and network problems.

Subject Consent

The Data Protection Act 2018 and GDPR sets a high standard for consent and requires a positive opt-in. As well as keeping evidence of any consent, the school ensures that people can easily withdraw consent. This can be done by e-mailing the school.

It should be noted, however, that consent is only one of the lawful bases on which data processing depends. In brief, the others include the following.

- Contract: if processing someone's personal data is necessary to fulfil the organisation's contractual obligations to them.
- Legal obligation: if processing personal data is necessary to comply with a common law or statutory obligation.
- Vital interests: not one that will occur often as it refers to processing personal data to protect someone's life.
- Legitimate interests: the most flexible lawful basis for processing and one which applies when data is used in ways people would reasonably expect and which have a minimal privacy impact, or where there is a compelling justification for the processing.

Note that the GDPR provides for special protection for children's personal data and Eaton House Schools will comply with the requirement to obtain parental or guardian consent for any data processing activity involving anyone under the age of 16.

Subject Access

An employee or parent may request details of personal information which Eaton House Schools holds about him or her under GDPR. If an individual would like a copy of the information held on him or her, they should write to Elisabeth Milton, Head of Compliance, emilton@eatonhouseschools.com. A data subject request form will need to be completed. The requested information will be provided within one month of the date of receipt of the request. If there is any reason for delay, this will be communicated within the four-week period. There is no charge of a fee unless the request proves to be “manifestly excessive or repetitive”. If the school does find it necessary to charge a fee, it would be based on the administrative cost of providing the information.

Data Accuracy and Security

The school will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. In relation to staff, individuals must please notify the HR department in writing and email will suffice, of any changes to information held about them. In relation to pupils, parents/carers must update their personal data in the Parent Portal via their personal log-in details. The Data Manager, Mr Tyrone Milton will check and confirm data request change.

An individual has the right to request that any inaccurate or out-of-date information about them is erased or corrected. There are exemptions to this which falls under the law.

The school will take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to school systems. All staff and senior management will be made aware of this policy and their duties under Data Protection Law and receive relevant training.

Queries and Complaints

Any comments or queries on this policy should be directed to Elisabeth Milton, Head of Compliance, emilton@eatonhouseschools.com.

If an individual believes that the school has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the school Complaints Procedure and should also notify the school office. A complaint can be lodged with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the school before involving the regulator.

Linked Policies

Privacy Notice