



DATA PROTECTION POLICY

[This policy applies to the whole school.](#)

1. BACKGROUND

Data protection is an important legal compliance issue for James Allen's Girls' School ("the "School"). During the course of the School's activities it collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, its contractors and other third parties (in a manner more fully detailed in the School's Privacy Notice). The School, as "data controller", is liable for the actions of its staff and [trustees/directors/governors] in how they handle data. It is therefore an area where all staff have a part to play in ensuring we comply with and are mindful of our legal obligations, whether that personal data handling is sensitive or routine.

UK data protection law consists primarily of the UK version of the General Data Protection Regulation (the UK GDPR) and the Data Protection Act 2018 (DPA 2018). The DPA 2018 includes specific provisions of relevance to independent schools: in particular, in the context of our safeguarding obligations, and regarding the right of access to personal data. In addition, the Privacy and Electronic Communications Regulations (PECR) apply in areas such as electronic marketing and the use of cookies.

Data protection law has in recent years strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (ICO) is responsible for upholding information rights and enforcing compliance with data protection law, and will typically look into individuals' complaints routinely and without cost, and has various powers to take action for breaches of the law.

For the purposes of this policy the 'School' includes James Allen's Girls' School, James Allen's Preparatory School, JAGS Community Enterprises (JCE), James Allen's Saturday School Performing Arts (JASSPA) and South London Youth Orchestra SLYO.

2. DEFINITIONS

Key data protection terms used in this data protection policy are:

- **Data controller** – a person or body that determines the purpose and means of the processing of personal data, and who is legally responsible for how it is used.
- **Data processor** – an organisation that processes personal data on behalf of a data controller, for example a payroll or IT provider or other supplier of services with whom personal data may be shared but who is not authorised to make any decisions about how it is used.
- **Personal data breach** – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- **Personal information (or 'personal data')**: any information relating to a living individual (a data subject) by which that individual may be identified by the controller. That is not simply a name but

any form of identifier, digital or contextual, including unique ID numbers, initials, job titles or nicknames. Note that personal information will be created almost constantly in the ordinary course of work duties (such as in emails, notes of calls, and minutes of meetings). The definition includes expressions of opinion about the individual or any indication of the School's, or any person's, intentions towards that individual.

- **Processing** – virtually anything done with personal information, including obtaining or collecting it, structuring it, analysing it, storing it, sharing it internally or with third parties (including making it available to be viewed electronically or otherwise), altering it or deleting it.
- **Special categories of personal data** – data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and medical conditions, sex life or sexual orientation, genetic or biometric data used to identify an individual. There are also separate rules for the processing of personal data relating to criminal convictions and offences.

3. APPLICATION OF THIS POLICY

This policy sets out the School's expectations and procedures with respect to processing any personal data we collect from or about data subjects (including parents, pupils, employees, contractors and third parties).

Those who handle personal data as employees or governors of the School are obliged to comply with this policy when doing so. For employees, breaches of this policy may result in disciplinary action, which may be up to and including dismissal. Accidental breaches of the law or this policy in handling personal data will happen from time to time, for example by human error, and will not always be treated as a disciplinary issue. However, failure to report breaches that pose, or may pose, risks to the School or individuals will be considered a serious matter.

In addition, this policy represents the standard of compliance expected of those who handle the School's personal data as contractors, whether they are acting as "data processors" on the School's behalf (in which case they will be subject to binding contractual terms) or as data controllers responsible for handling such personal data in their own right.

Where the School shares personal data with third party data controllers – which may range from other schools, to parents, to appropriate authorities, to casual workers and volunteers – each party will need a lawful basis to process that personal data, and will be expected to do so lawfully and with due regard to security and confidentiality, as set out in this policy.

If you are a volunteer or contractor, you will be a data controller in your own right, but the same legal regime and best practice standards set out in this policy will apply to you by law.

4. PERSON RESPONSIBLE FOR DATA PROTECTION AT THE SCHOOL

The School has appointed Justine Addison as the Data Protection Lead (not a statutory Data Protection Officer under UK GDPR) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the principles of applicable data protection legislation. 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 Data Protection Lead.

5. THE PRINCIPLES

The UK GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

1. Processed lawfully, fairly and in a transparent manner;
2. Collected for specific and explicit purposes and only for the purposes it was collected for;
3. Relevant and limited to what is necessary for the purposes it is processed;
4. Accurate and kept up to date;
5. Kept for no longer than is necessary for the purposes for which it is processed; and
6. Processed in a manner that ensures appropriate security of the personal data.

In addition to the six principles above, the School must comply with the seventh principle: accountability. This requires us to demonstrate compliance with all other principles.

The UK GDPR's broader 'accountability' principle also requires that the School not only processes personal data in a fair and legal manner but that we are also able to demonstrate that our processing is lawful. This involves, among other things:

- keeping records of our data processing activities, including by way of logs and policies;
- documenting significant decisions and assessments about how we use personal data (including via formal risk assessment documents called Data Protection Impact Assessments); and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for example when and how our Privacy Notice(s) were updated; when staff training was undertaken; how and when any data protection consents were collected from individuals; how personal data breaches were dealt with, whether or not reported (and to whom), etc.

6. LAWFUL GROUNDS FOR DATA PROCESSING

Under the UK GDPR there are several different lawful grounds for processing personal data. One of these is consent. However, given the relatively high bar of what constitutes consent under GDPR (and the fact that it can be withdrawn by the data subject) it is considered preferable for the School to rely on another lawful ground where possible.

One of these alternative grounds is where the processing is necessary for 'legitimate interests', which is the most flexible basis for processing. However, it does require transparency and a balancing assessment between the rights of the individual and the interests of the School. It can be challenged by data subjects and also means the School is taking on extra responsibility for considering and protecting people's rights and interests. The School's legitimate interests are set out in its Privacy Notice, as UK GDPR requires.

Other lawful grounds include:

- In the education context, processing will often be justified under the lawful ground of 'public task' where the School is carrying out its statutory or official functions.
- compliance with a legal obligation, including in connection with employment, engagement of services and diversity;

- contractual necessity, e.g. to perform a contract with staff or parents, or the engagement of contractors;
- a narrower set of grounds for processing special categories of personal data (such as health information), which includes explicit consent, emergencies, and specific public interest grounds. One of these grounds must be fulfilled for the processing of special categories of personal data and, notably, legitimate interests cannot be relied upon for this processing.

6. HEADLINE RESPONSIBILITIES OF ALL STAFF

Record-keeping

It is important that personal data held by the 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 the data subject is 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 also be aware of, and comply with, the School's Records Retention Schedule, which sets out how long different categories of data are kept.

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 this policy and all relevant School policies and procedures (to the extent applicable to them). 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 documents: Staff Handbook; Acceptable Use of IT; Safeguarding Policy (including Child Protection); CCTV Policy; Photography and Recorded Images.

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

Avoiding, mitigating and reporting data breaches

One of the key obligations contained in the UK GDPR is on reporting personal data breaches. Data controllers must report certain types of personal data breach (those which give rise to a risk to individuals) to the ICO within 72 hours. Staff must report suspected breaches to the Data Protection Lead immediately, and in any case within 24 hours, to allow the School to meet its 72-hour reporting duty to the ICO.

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 the Data Protection Lead. 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 (see section 3 above), 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 / leadership 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 Data Protection Lead, and to identify the need for (and implement) regular staff training. Staff must attend any training we require them to.

7. RIGHTS OF INDIVIDUALS

In addition to the School's responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. the School) or on its behalf by data processors. This is known as the 'subject access right' (or the right to make 'subject access requests'). Such a request must be dealt with promptly and does not need any formality, nor to refer to the correct legislation. If you become aware of a subject access request (or indeed any communication from an individual about their personal data), you must tell the Data Protection Lead as soon as possible.

The School must respond to subject access requests without undue delay and within one month of receipt. In line with ICO guidance, the School may extend this timeframe by up to a further two months where requests are complex or multiple. In such cases the School will notify the requester within one month of receipt, explaining the reasons for the extension. Where compliance requires consent or input from third parties, this may also affect the time needed to respond.

While the School will always comply with its legal obligations in respect of subject access requests, individuals should note that the SAR process is not designed to circumvent other existing School policies and procedures, such as the parental complaints policy, grievance procedures, or appeals processes. Requests for personal data will therefore be handled in accordance with this policy and the law, but they will not replace or override the proper channels for resolving complaints or disputes.

Individuals also have legal rights to:

- require us to correct the personal data we hold about them if it is inaccurate;
- request that we erase their personal data (in certain circumstances);
- request that we restrict our data processing activities (in certain circumstances);
- receive from us the personal data we hold about them for the purpose of transmitting it in a commonly used format to another data controller; and
- object, on grounds relating to their particular situation, to any of our particular processing activities where the individual feels this has a disproportionate impact on them.

None of the above rights for individuals are unqualified and exceptions may well apply. However, certain rights are absolute and must be respected, specifically the right to:

- object to automated individual decision-making, including profiling (i.e. where a significant decision is made about the individual without human intervention);
- object to direct marketing; and
- withdraw one's consent where we are relying on it for processing their personal data (without affecting the lawfulness of processing carried out prior to that point in reliance on consent, or of any processing carried out on some other legal basis other than consent).

In any event, however, if you receive a request from an individual who is purporting to exercise one or more of their data protection rights, you must tell the Data Protection Lead as soon as possible.

8. DATA SECURITY: ONLINE & DIGITAL

The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. There are a number of key expectations of all staff in this regard:

- Consider whether encryption or password protection may be required for documents to be sent by email;
- Be especially careful with the security of documents, mark-books, devices or digital media that are taken off the school site;
- Avoid leaving paper copies of personal data unnecessarily exposed on printers or in public areas;
- Ensure that any mobile devices on which staff are accessing school email accounts are password protected;
- Do not record, transfer or carry data on an unencrypted USB stick;
- Do not use personal email addresses on school business;
- Where available, staff should use multi-factor authentication (MFA) when accessing School systems remotely.
- Log off or lock any school computer when not attended, and do not share accounts or passwords; and
- Pay close attention to regular training and advice on IT security.

9. SUMMARY

It is in everyone's interests to get data protection right and to think carefully about data protection issues: this means handling all personal information with which you come into contact fairly, lawfully, securely and responsibly. A good rule of thumb here is to ask yourself questions such as:

- Would I be happy if my own personal information were being used (for example, shared with a third party) in the way I am proposing? Would I expect it?

- Would I wish to stand by how I have recorded this information in an email or official record if the person concerned was able to see it?
- What would be the consequences of my losing or misdirecting this personal data?

Data protection law is therefore best seen not as oppressive red tape, or a reason not to do something necessary or important, but a code of useful and sensible checks and balances to improve how we handle and record personal information and manage our relationships with people. This includes regular refresher training for all staff, to ensure awareness of their responsibilities is maintained. This is an important part of the School's culture and all its staff and representatives need to be mindful of it.