



# MacIntyre Academies

## Data Protection Policy

Version 8

| Version Number                                | Purpose/ Change  | Responsibility | Date       |
|---|--|----------------|------------|
| <i>For previous changes see end of policy</i> |  |                |            |
| V8  | Updated to reflect UK GDPR / The Data Protection Act 1998 throughout<br>Updated links to ICO and Clarification that the Head of Operations is the Data Protection Lead<br>Referred to MAT CCTV Policy and section in this policy<br>Referred to MAT Surveillance & Remote Monitoring Policy<br>Added Section 22: Call recording<br>Added Section 25: Previously MAT Record Management Policy (now retired)<br>Point of clarification Section 26<br>Listed staff training in relation to GDPR | Group Director | March 2023 |

Person Responsible: Group Director  
Date of first draft: February 2018  
Date adopted by the Trust Board: May 2018  
Date of implementation: May 2018  
Date reviewed: Mar 2023  
Date of next review: Mar 2024

|  |    |
|--|----|
| 1. Purpose .....   | 3  |
| 2. Scope.....  | 3  |
| 3. Schedule of Responsibilities .....  | 3  |
| 4. Introduction.....   | 4  |
| 5. The UK General Data Protection Regulations.....   | 4  |
| 6. Policy Principles .....   | 5  |
| 7. Privacy Impact Assessments.....   | 6  |
| 8. Data Audits .....   | 7  |
| 9. Data Protection Policy Review .....   | 7  |
| 10. Data Protection Officer .....  | 7  |
| 11. Privacy Notices.....   | 7  |
| 12. Lawful basis .....   | 8  |
| 13. Consent .....  | 8  |
| 14. Retention and Security of Personal Data .....  | 8  |
| 15. Your rights under GDPR:.....   | 9  |
| 15.1 The right to be informed.....   | 9  |
| 15.2 The right of access.....  | 9  |
| 15.3 Subject Access Requests (SAR) .....   | 9  |
| 15.4 Requests from Pupils.....   | 10 |
| 15.5 Request for Access to a curricular and education record as defined within the Education (Pupil Information) (England) Regulations 2005..... | 11 |
| 15.6 The right to rectification.....   | 11 |
| 15.7 The right to erasure.....   | 11 |
| 15.8 The right to restrict processing .....  | 12 |
| 15.9 The right to data portability .....   | 12 |
| 15.10 The right to object .....  | 12 |
| 15.11 Rights in relation to automated decision making and profiling.....   | 12 |
| 16. Transfers to Third Parties .....   | 12 |
| 17. Third Party Suppliers.....   | 12 |
| 18. Personal Data Breaches.....  | 13 |
| 19. Staff Data Protection Training .....   | 13 |
| 20. CCTV .....   | 13 |
| 21. Remote surveillance .....  | 13 |
| 22. Call recording .....   | 13 |
| 23. Photographs and Electronic Images .....  | 13 |
| 24. Biometric Data .....   | 14 |
| 25. Record Management.....   | 14 |
| 25.1 Storage of records .....  | 14 |
| 25.2 Disposal of records .....   | 14 |
| 25.3 Methods of disposal.....  | 15 |
| 26. Breaches of this Policy .....  | 15 |
| 27. Complaints.....  | 15 |

## Data Protection Policy

### 1. Purpose

This policy sets out the processes and procedures for ensuring that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulations 2018, other relevant legislation, and best practice.

The principles set out within this policy apply to personal information regardless of the way it is collected, used, recorded, stored and destroyed and irrespective of whether it is held in paper files or electronically.

### 2. Scope

This policy applies to all employees and volunteers of MacIntyre Academies Trust ('MAT' or 'MacIntyre Academies') who access or use personal data that MacIntyre Academies is responsible for as Data Controller.

MacIntyre Academies employees, agency staff and volunteers are data processors and must abide by this policy.

This policy should be read in conjunction with the following other MacIntyre Academies policies:

MAT Recruitment and Selection Policy

MAT Whistleblowing Policy

Academy Safeguarding Policies

MAT Acceptable Use of ICT Policy

MAT Data Breach Procedures

This policy doesn't form part of any contract of employment and may be amended from time to time.

### 3. Schedule of Responsibilities

MacIntyre Academies Trust Board will ratify this policy at every review.

The Group Director for Education and Children's Services takes overall responsibility for the implementation of policies and procedures and will provide as appropriate, reports to the Trust Board in relation to this policy.

DPOiS (Data Protection Officer in Schools) have been contracted as the named Data Protection Officer for MacIntyre Academies. The Head of Operations works in conjunction to monitor information handling at MacIntyre Academies and ensuring compliance with the law, guidance and local procedures including responding to requests for personal data. DPOiS is responsible for providing advice and support under this policy and advising on updating the policy as required. The Head of Operations is responsible for collating data for Trust Board reports as required. More information on this role can be found in Section 10.

MacIntyre Academies Principals will take active steps to promote good practice under this policy, monitor and review the management and implementation of this policy in the Academy for which they are responsible. They will assign a School Data Protection Lead, most often the School

Business Manager, who will take responsibility for data protection within their setting. The Principal, alongside the Data Protection Lead will identify training needs, ensuring competence of all staff and volunteers as they are responsible for the operation of this policy.

All employees are required to cooperate fully and positively with the requirements of the Data Protection Policy, know the standards of conduct and behaviour expected of them and seek clarification if unsure. All staff are expected to undertake any training mandated by the Trust or recommended by their line manager, ensuring efficient and competent operation of this policy.

All employees are required to bring to the attention of a senior member of staff any loss of data or concerns relating to confidentiality and data protection.

#### 4. Introduction

MacIntyre Academies Trust and the individual Academies and the residential provision within the Trust (hereafter referred to as Academies), collects and uses personal information about other individuals who they come into contact with. This information is processed in order to enable Academies to provide education and care, and other associated functions, including legal requirements or statutory obligations. Subsequently, in the course of their work, MacIntyre Academies' staff will have access to large amounts of confidential and personal information, including but not limited to information about students, staff members and others.

Under the multi academy trust arrangements, MacIntyre Academies Trust is responsible for the activities of all the schools in the Trust and is therefore the legal entity responsible for the processing of personal data by the schools and the academies within the MAT. MacIntyre Academies Trust is therefore the data controller for the processing and the entity subject to DPA registration obligations set out below.

In accordance with the duty to notify the Information Commissioners Office (ICO) that we process personal information, and to maintain an up to date Registration with the ICO of how and why we process personal data, MacIntyre Academies' registration number is **ZA103532**. A copy of the notification document is available to view at each Academy, and on ICO's website by following the link <https://ico.org.uk/esdwebpages/search>. MacIntyre Academies will ensure that the registration is renewed annually.

#### 5. The UK General Data Protection Regulations

UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020

The UK GDPR covers the collecting and holding of information about an identifiable living individual, and its use, disclosure, retention and destruction. It gives people the right to know what information is held about them. It provides a framework to ensure that personal information is handled properly. For further information, see 'Guide to data protection' on the website of the Information Commissioners Office <https://ico.org.uk/for-organisations/guide-to-data-protection/>

MacIntyre Academies Trust, each Academy and the Residential Home and every employee has a legal duty to protect the privacy of information relating to individuals that it processes.

Personal data means information about a living individual who can be identified from that information and from other information which is in, or likely to come into, MacIntyre Academies' possession.

GDPR defines 'sensitive personal data' as that related to racial or ethnic origin, political opinions or religious beliefs, trade union membership, physical or mental health condition, sexual life, and convictions, proceedings and criminal acts this information is also labelled as 'Special category data'.

The holding of sensitive personal information generally requires the explicit consent of the person; where the request received relates to a child or young person, MacIntyre Academies normally obtains this consent from children or young peoples' parents/guardians in writing as part of its needs assessment. For young people over the age of 13 this permission is sought from them providing they are capable of making decisions about their own data. Where the person lacks the capacity to consent the ability to make a decision will fall to their parent or guardian or to whomever has parental responsibility for the student. If the student and has no representative that can give consent, a best interests decision will be made by MacIntyre Academies.

GDPR works in two ways. Firstly, it states that anyone who processes personal information must comply with principles that data should be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- 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.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- 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.
- 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.
- 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.

Secondly it specifies that the data controller shall be responsible for, and be able to demonstrate, compliance with the principles.

## 6. Policy Principles

MacIntyre Academies will take all practical steps to ensure that the requirements of the GDPR 2018 are achieved and maintained throughout the organisation at all times in accordance with the 6 enforceable principles as laid out in Article 5 of the GPDR:

- Principle 1 – Personal data shall be processed lawfully, fairly and in a transparent manner (lawfulness, fairness and transparency)
- Principle 2 – Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (purpose limitation)
- Principle 3 – Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed (data minimisation)

- Principle 4 – Personal data shall be accurate and where necessary, kept up to date. Every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay. (accuracy)
- Principle 5 - Personal data shall 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. (Storage limitation)
- Principle 6 (the Security Principle) - Personal data shall be processed in a manner that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data, using appropriate technical or organisational measures. (integrity and confidentiality)

GDPR also includes a 7<sup>th</sup> Principle - the Accountability Principle which requires organisations to take responsibility for what they do with personal data and how they comply with the other principles. In our Trust and in each one of our academies, the responsibility for adherence to the principles lies with all staff.

MacIntyre Academies Trust and its Academies will:

- a) Demonstrate compliance with the GDPR through a range of accountability measures including Privacy Impact Assessments, Annual Data Audits, Annual Policy Review and the appointment of a dedicated Data Protection Officer.
- b) Publish Privacy Notices informing why data is being collected at the point it is collected, including the legal grounds for collection.
- c) Will seek consent for the processing of personal data.
- d) Create, maintain and publish a Disposal and Retention Schedule setting out retention and disposal dates for common data sets and other information.
- e) Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests (see section 15)
- f) 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.
- g) Adopt internal procedures for detecting, reporting and investigating a personal data breach.
- h) Ensure that processes for handling personal information are only available to authorised individuals.
- i) Share information with others only when it is legally appropriate to do so, utilising Information Sharing Agreements in accordance with the ICO's Data Sharing Code of Practice, where necessary.
- j) Share personal data with the police or others for the purpose of crime preventions and detection, the apprehension or prosecution of offenders or for the purpose of legal proceedings, where properly requested.
- k) Ensure our staff are appropriately trained and aware of and understand our policies and procedures.
- l) If the academy carries out automated decision making (including profiling), comply with all the relevant requirements of the GDPR.
- m) Produce an information asset register that contains details of the records it holds.
- n) Check the quality and the accuracy of the information it holds
- o) Ensure all staff are appropriately and regularly trained and aware of and understand the academy policies and procedures.
- p) Disclose personal data where required to do so by law for example, following receipt of a court order.

## 7. Privacy Impact Assessments

Privacy Impact Assessments will be carried out when planning new initiatives which involve “high risk” data processing activities i.e., where there is a high risk that an individual’s right to privacy may be infringed such as monitoring or processing special categories of personal data, especially if those initiatives involve large numbers of individuals or new technologies. Such Assessments will allow us to identify and fix problems at an early stage.

## 8. Data Audits

Personal data will be reviewed and documented annually through a Data Audit. This audit will map the flow of personal data into and out of the Trust.

The annual audit will check the accuracy of the information held. It will ensure that information is not retained for longer than is necessary, and that when obsolete information is destroyed that it is done so appropriately and securely.

Understanding data and how it is being processed is a key step to ensuring compliance with data protection principles.

## 9. Data Protection Policy Review

The MAT Data Protection Policy will be reviewed on an annual basis and published on Academy websites. Policies intended to be read by children will be explained in clear non–technical language and in a way that can be readily understood.

## 10. Data Protection Officer

The role of the DPO involves; advising colleagues and monitoring the school’s compliance including via staff training and awareness raising; advising on Privacy Impact Assessments; being the point of contact for supervisory authorities; developing policies and procedures; watching out for publication of relevant guidance and Codes of Practice; monitoring the documentation, notification and communication of data breaches.

In line with the requirements of GDPR DPO’s will be an expert in their field and have specific knowledge of their sector, which is maintained through training. DPO’s must be able to work “independently of instruction”. They will report to the highest level of management within the Trust.

To contact the DPO (DPOiS) – 0203 961 0110  
Email to [dpois@gdpr.school](mailto:dpois@gdpr.school)  
Or alternatively

Contact the Head of Operations, Gemma Deehan, Data protection lead for the trust  
[Gemma.Deehan@macintyreacademies.org](mailto:Gemma.Deehan@macintyreacademies.org)

## 11. Privacy Notices

MacIntyre Academies publishes privacy notices on its website which provide information about processing of personal data for staff, pupils and parents. Privacy Notices must be concise, transparent, intelligible and easily accessible. They must provide information about:

- The Academy and Trust
- Contact details of the DPO
- What personal data is gathered
- The purpose of processing data and the legal basis for the processing of that data

- Who the personal data is shared with
- Transfers outside EU and how data is protected
- Retention period or criteria used to set this
- Legal rights e.g. the right to withdraw their consent to their data being used
- Right to complain

Privacy notices must be reviewed at regular intervals. Academies must issue an annual privacy notice to all parents, pupils over 18, and employees, before, or as soon as possible after, any personal data relating to them is obtained, and annually thereafter.

## 12. Lawful basis

GDPR sets out conditions that must be met for the processing of personal data to be lawful. At least one of these must apply whenever personal data is processed:

- **Consent:** the individual has given clear consent for you to process their personal data for a specific purpose.
- **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.
- **Legal obligation:** the processing is necessary for you to comply with the law (not including contractual obligations).
- **Vital interests:** the processing is necessary to protect someone's life.
- **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.
- **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.)

The Lawful basis for processing personal data is explained in relevant Privacy Notices.

## 13. Consent

Academies and the Trust will seek consent to process some types of personal data that do not fall under other legal categories outlined above.

'Consent' is defined as any freely given, specific, informed indication of the data subject's wishes by which he or she, by a statement, signifies agreement to personal data relating to him or her being processed. Consent must be unambiguous and be a positive indication of agreement. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent must be freely given and capable of being withdrawn at any time. It must be as easy for an individual to withdraw their consent as it was to provide it in the first place. Clear explanation must be given to individuals what they are consenting to and of their right to withdraw consent. Separate consents must be obtained for specific processing operations. It must be distinguishable from other matters and not "buried" in wider written agreements.

## 14. Retention and Security of Personal Data

MacIntyre Academies will ensure that personal data is stored, transferred and disposed of securely and in accordance with the retention and disposal schedule. We will ensure that appropriate security measures are in place and enforced to keep paper and electronic personal data secure, making certain that only authorised individuals have access to personal data.



Cloud based technologies are utilised; following completion of a data privacy impact assessment prior to implementation, appropriate security measures are in place to secure this data including files being saved in an encrypted form requiring username and password to log into the service to decrypt the files for access.

Data is retained in accordance with our data retention schedule which is available on our website.

## 15. Your rights under GDPR:

### 15.1 The right to be informed

Individual data subjects have the right to be informed about the collection and use of their personal data. See [section 11 Privacy Notices](#)

### 15.2 The right of access

Individual data subjects will have the right to know exactly what information is held about them and how it is processed.

There are two distinct rights of access to information held by schools about children, parents and staff:

- Under the GDPR 2018 any individual has the right to make a request to access the personal information held about them.
- The right of those entitled to have access to curricular and educational records as defined within the Education (Pupil Information) (England) Regulations 2005.

### 15.3 Subject Access Requests (SAR)

GDPR gives individuals the right to access personal data relating to them processed by a data controller. Requests may be received by employees, current or past, or by pupils or their parents.

A SAR must be made in writing; which can include email and be addressed to the Data Protection Officer for MacIntyre Academies, which is contracted to DPOiS. A SAR request form is available on the staff shared area which covers all the areas required to make a SAR and should be sent out to anyone making a request, the form is not mandatory but is a way for the school to gather all relevant information necessary to complete and subject requests. Any requests received at an Academy should be logged with DPOiS for processing by the Data Protection Lead. Any requests received centrally will be forwarded to the relevant academy to be logged or the Head of Operations if the request relates to a central function. Where the original request does not clearly identify the information required, then further enquiries should be made. Where a request received does not mention the GDPR or SAR, where this meets the criteria this will still be processed as such.

The identity of the requestor will be established before the disclosure of any information is made proof of the relationship with the child (if not known) must also be established as this will verify whether the individual making the request can lawfully exercise that right on behalf of the child.

Below are some examples of documents which can be used to establish identity:

- Passport
- Driving licence
- Utility bill with current address
- Birth/marriage certificate
- P45/P60
- Credit card or mortgage statement.

All SARs received will be responded to within one month (irrespective of school holiday periods). The month will not commence until after receipt of proof of identity and any necessary clarification of information is sought.

There are some exemptions available under the GDPR, which mean that occasionally personal data will need to be redacted (blacked out/removed) or withheld from the disclosure. All information will be reviewed prior to disclosures to ensure that the intended disclosure complies with MacIntyre Academies' legal obligations.

Where the personal data also relates to another individual who can be identified from the information the information will be redacted to remove the information that identifies the third party. If it is not possible to separate the information relating to the third party from the information relating to the subject of the request, consideration will be given to withholding the information from disclosure. These considerations can be complex and additional advice will be sought where necessary.

Any information which might cause serious harm to the physical or mental health or emotional condition of the child, or another person will be withheld along with any information that would reveal that the child is at risk of abuse, or information relating to Court Proceedings.

#### **15.4 Requests from Pupils**

Children can exercise their rights under the GDPR once they are considered capable of making decisions by the academy. The right can be exercised by a person with parental responsibility on behalf of their child if the child is not able to understand the process or has not reached sufficient maturity.

For the purposes of a SAR, MacIntyre Academies will apply the full legal definition of 'parental responsibility' when determining who can access a child's personal data. Proof of the relationship with the child must also be established as this will verify whether the individual making the request can lawfully exercise that right on behalf of the child.

The ability of young people to understand and exercise their rights is likely to develop or become more sophisticated as they get older. It is widely accepted that children of primary school age do not have the maturity to understand or exercise their own rights; and in accordance with guidance from the Information Commissioners Officer <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-uk-gdpr/> indicate as a general guide, a child of 12 or older is expected to be mature enough to understand the request they are making.

A child may, of course, be mature enough at an earlier age or may lack sufficient maturity until a later age, and so requests received by MacIntyre Academies for data relating to a child/young person will be considered on a case-by-case basis considering the circumstances surrounding the case and the child.

Where a SAR is received by a person with parental responsibility on behalf of a child over the age of 12 and MacIntyre Academies considers the child is mature enough to understand their rights, MacIntyre Academies will seek permission from the child for information to be given to the parent before it's disclosed. MacIntyre Academies, will, where appropriate, discuss the request with this child in question to ensure they understand rather than relying on a signature. A child with competency can refuse to consent to a request for their personal information made under the Data Protection Act. This position differs when the request is for access to the Education Record of their child (see below for more detail).

### 15.5 Request for Access to a curricular and education record as defined within the Education (Pupil Information) (England) Regulations 2005.

A parent may make a request to access information contained within their child's education record, regardless of whether the child agrees to the disclosure of information to them. The right of access belongs to the parent in these cases. It is not a right being exercised by the parent on behalf of the child.

For the purpose of responding to an Educational Records request, the Academy will apply the definition of 'parent' contained within the Education Act 1996.

An "educational record" means<sup>1</sup> any record of information which-

(a) Is processed by or on behalf of the governing body of, or a teacher at, any school maintained by a local education authority and any special school which is not so maintained.

(b) Relates to any person who is or has been a pupil at any such school; and

(c) Originated from or was supplied by or on behalf of the persons specified in paragraph (3)

Other than information which is processed by a teacher solely for the teacher's own use.

The amount that can be charged for a copy of information contained in an education record will depend upon the number of pages provided. The charge made will be in accordance with the Schedule to the Data Protection (subject access) (Fees and Miscellaneous Provisions) Regulations 2000.

No charge will be made to view the education record.

The response time for requests made under the Education (Pupil Information) (England) Regulations 2005 is 15 school days (this does not include half terms or teacher training days).

An exemption from the obligation to comply with the request will be claimed where the disclosure of the information to the parent may cause serious harm to the physical or mental or emotional condition of the child or another person or if the disclosure of the information would reveal that the child is at risk of abuse.

### 15.6 The right to rectification

UK GDPR includes the right for individuals to have inaccurate personal data rectified or completed if incomplete. Requests should be made in writing to the Trust Data Protection Lead who will liaise with DPOiS and respond within 30 days of receipt. Where any requests are received verbally, they will be asked to complete these in writing. Upon receipt of the request the Trust Data Protection Lead will liaise with DPOiS to investigate whether the data held in question is accurate. During this time, access to data which is being contested will be restricted, wherever possible. A note will be placed on the system/file that the information is being reviewed for accuracy. If data is found to be accurate, the individual will be informed that this will not be amended and will be notified of their right of complaint to the ICO. The file note will be updated to include that the data has been reviewed for accuracy. There may be some exemptions to the right to request rectification such as where these are manifestly unfounded; or excessive. Each request will be considered on a case by case basis and in line with guidance from the ICO. Requests for rectification will be added to the MAT Record of Requests Log.

### 15.7 The right to erasure

Individuals have the right to request that personal data is erased; sometimes termed 'the right to be forgotten.' Requests should be made in writing to the Trust Data Protection Lead who will liaise with DPOiS and respond within 30 days of receipt. Where any requests are received verbally, they will be asked to complete these in writing. Upon receipt of the request the Trust Data Protection Lead will liaise with DPOiS to investigate whether the request meets the criteria to be considered for erasure; i.e. if the holding of data is no longer necessary; where the legal reason for holding such data is explicit consent and the consent is withdrawn, where the data is held for purposes of direct marketing or where

the data is being processed unlawfully. Where the data is erased from MacIntyre Academies' systems/records; reasonable attempts will also be made to inform other organisations who may hold this data, as disclosed by MacIntyre Academies. There may be some further exemptions to the right to request rectification such as where these are manifestly unfounded; or excessive. Each request will be considered on a case by case basis and in line with guidance from the ICO. Requests for erasure will be added to the MAT Record of Requests Log.

### **15.8 The right to restrict processing**

Right to restrict processing gives individuals the right to limit the way an organisation uses their personal data, instead of requesting erasure

### **15.9 The right to data portability**

The individual shall have the right to receive the personal data concerning them, which they have provided to a controller, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance.

### **15.10 The right to object**

The UK GDPR gives individuals the right to object to the processing of their personal data in certain circumstances. Individuals have an absolute right to stop their data being used for direct marketing.

### **15.11 Rights in relation to automated decision making and profiling.**

The UK GDPR has provisions on:

- automated individual decision-making (making a decision solely by automated means without any human involvement); and
- profiling (automated processing of personal data to evaluate certain things about an individual). Profiling can be part of an automated decision-making process.

The UK GDPR applies to all automated individual decision-making and profiling. If the Trust or an academy carries out automated decision making (including profiling), it must comply with all the relevant requirements of the GDPR.

## **16. Transfers to Third Parties**

Requests for data received from third parties, which are not a legal requirement, such as mortgage companies asking for salary information will be logged as a request on the MAT Record of Information Request Log by the relevant SBM and an overview of responses made. Prior to any information being provided, MacIntyre Academies will seek to verify that consent has been provided by the individual.

## **17. Third Party Suppliers**

MacIntyre Academies will ensure that any third parties which process data on its behalf ('data processors') meet the requirements set out in article 28 of UK GDPR. Supplier contracts where the trust passes data to them, and they receive and store it, such as insurers, payroll and curriculum enrichment providers, are data processors. The Trust Data Protection Lead is responsible for ensuring that these are compliant with the GDPR and uses GDPRiS to achieve this.

At each Academy the School Business Manager will ensure that all such third-party suppliers are compliant with data clauses as detailed in paragraph 3 of article 28. A check list taken from this section of the GDPR is included in Appendix 1.

## 18. Personal Data Breaches

The document **MAT Personal Data Breach Procedures** contains more detail. The following bullet points are key points for quick reference.

- All data breaches or suspected data breaches must be logged electronically on the GDPRis system.
- In assessing how serious a data breach is the Data Protection Lead and DPO will consider how much the released data is likely to put the individual's rights and freedoms at risk. If the risk is likely the breach must be reported to the ICO, if the risk is unlikely the breach will not be reportable to the ICO.
- All reportable breaches must also be communicated also to the Group Director.

## 19. Staff Data Protection Training

MacIntyre Academies Trust will take organisational steps to keep personal data secure, and the deployment of staff data protection training is key to reducing the likelihood of data losses. Academies will ensure that new starters will receive data protection training, proportionate to their role, before they have access to personal data and existing staff will receive regular and refresher training.

| Course  | Induction | Frequency of repetition | Variations                |
|---|-----------|-------------------------|---------------------------|
| GDPR UK: Education  | Yes       | 2 years                 | All staff, all volunteers |
| GDPR UK: Advanced   | Yes       | 3 years                 | Data Protection Leads     |
| GDPR role specific modules as defined by local Data Protection Lead | No        | Termly                  | Key data processors       |

## 20. CCTV

Refer to the MAT CCTV Policy.

## 21. Remote surveillance

Room monitors / Epilepsy monitors etc. Refer to MAT Surveillance and Remote Monitoring Policy.

## 22. Call recording

Academies may choose to introduce call recording on their switchboard system for incoming / outgoing calls. Where this is the case, a clear proposal must be used for communication with stakeholders, and consultation with parents and staff must be considered. The following points must be followed:

- a) A clear alert to callers that their call will be recorded must be included
- b) A notice explaining why calls are recorded and for how long the calls will be stored for must be posted on the academy website and linked to Privacy notices.
- c) Access to recordings of calls must be restricted to the Principal, the School Business Manager and one other nominated member of staff where desired.

## 23. Photographs and Electronic Images

Further information in relation to the use of photographs/videos that contain images of children can be found in MacIntyre Academies' Acceptable Use of ICT Policy which all employees sign up to and within Safeguarding Policies. Each school has a policy that provide the Academy's position regarding parents

photographing and filming children at Academy events and the use of images of children by the Academy in any publicity material, its website, in newspapers and in outside agency publications.

## **24. Biometric Data**

If an Academy uses or intends to use biometric data (such as fingerprint technology) a separate, detailed notice will be sent to all children and parents explaining the intended use and providing parents with options for alternative systems if they wish their child to opt out. The Academy will obtain the written consent of at least one parent before taking and using and biometric data from a child.

## **25. Record Management**

MacIntyre Academies is committed to the responsible management of all records, both physical and electronic, created by the trust and the academies, including records that third parties manage on behalf of MacIntyre Academies.

Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy, or electronic format e.g., paper documents, scanned documents, e-mails which document business activities and decisions, audio and video recordings, text messages, notes of telephone and Skype conversations, spreadsheets, word documents, presentations etc.

Individual employees must ensure with respect to records for which they are responsible that they:

- a) Manage the records consistently in accordance with the Trust and Academy policies and procedures
- b) Properly document actions and decisions taken
- c) Hold personal information securely
- d) Only share personal information appropriately and do not disclose it to any unauthorised third party
- e) Dispose of records securely in accordance with the MAT Retention schedule.

### **25.1 Storage of records**

All systems and records must have designated owners throughout their lifecycle, whether that is named individuals or nominated business areas.

Records must be stored in environmental conditions that protect them from deterioration.

Digital continuity must be considered for the systems and formats that are used to store digital records.

All records must be traceable and retrievable.

### **25.2 Disposal of records**

Information held for longer than is necessary carries additional risk and cost. Records and information should only be retained when there is a requirement to do so. Under UK GDPR and the DPA 2018, personal data processed by MacIntyre Academies must not be retained for longer than is necessary for its lawful purpose.

The default standard retention period for MacIntyre Academies is stated on the MAT Retention Schedule according to the type of record. The person responsible for the disposal of the records is noted on the schedule.

Records must only be retained beyond the stipulated period if their retention can be justified for statutory, regulatory, legal or security reasons.

Processes must be in place to ensure that records pending audit, litigation or investigation are not destroyed.

Processes must be in place to ensure that all backups and copies are included in the destruction of records, or that data is put beyond use.

### 25.3 Methods of disposal

Records containing personal data should be made either unreadable or unreconstructable. This means:

The provision of a shredder is essential for disposal of highly sensitive information.

- Shred paper records using a cross-cutting shredder
- Cut CDs, DVDs and floppy disks into pieces
- Dismantle and shred audio or video tapes and fax rolls
- Dismantle and sand hard disks
- Use a wastepaper merchant to bundle up and dispose of any other records
- Do not put records containing personal data in with the regular waste or in a skip unless there is no other alternative.

Confidential Waste Bins. Due consideration must be given to the confidentiality where confidential waste bins are in place and staff must be aware that highly sensitive documents should be disposed of by immediate shredding and not placed in the Confidential Waste Bin. Where Confidential Waste Bins are used the Principal must sign off the procedure for key management and retrievals.

### 26. Breaches of this Policy

MacIntyre Academies understands that data breaches do sometimes occur, even when best efforts to prevent them are made. This policy requires employees and volunteers to be honest and timely in reporting such data breaches when they happen, and to take actions to prevent recurrence in agreement with the Data Protection Officer.

All breaches of confidentiality and information security, actual or suspected, will be reported and investigated under MacIntyre Academies' Disciplinary Policy and Procedure. In accordance with the MAT Disciplinary Policy, serious breaches of the Data Protection Policy will normally be regarded as gross misconduct.

An employee's conduct and/or actions may also be unlawful or illegal and they may be personally liable. MacIntyre Academies reserves the right to report any illegal violations to the appropriate authorities

### 27. Complaints

We take any complaints about how we collect and use your personal data very seriously, so please let us know if you think we've done something wrong. You can make a complaint at any time by contacting our data protection officer (see section 10 for contact details).

You can also complain to the Information Commissioner's Office in one of the following ways:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

**Historic updates table:**

| Version Number | Purpose/ Change   | Responsibility | Date                          |
|----------------|---|----------------|-------------------------------|
| V2             | Change of title to Trust Finance Officer to Trust Business Manager.<br>Change of title for Chief Operating Officer to Chief Executive Officer.<br>Adding in telephone number, email, name of DPO in section 10<br>The School Business Manager is responsible for ensuring the compliance of third-party suppliers where they are data processors (section 16)   | CEO            | 5 <sup>th</sup> June 2019     |
| V3             | Change of name of DPO from Helen Coombs to Jo Godding   | CEO            | 17 <sup>th</sup> October 2019 |
| V4             | Section 16 - Requests for Rectification added. Section 17 added – Requests for Erasure. Section 18 added – Transfers to Third Parties added. Renumbering of previous sections 16 onwards.<br><br>Section 23 - CCTV – now includes reference to local policy on school websites.<br>Section 26 – complaints procedure included   | CEO            | 9 <sup>th</sup> January 2020  |
| V5             | Section 3 - Change to DPO from Trust Business Manager to DPOiS and review of responsibilities – TBM now works in conjunction with DPOiS<br><br>Section 15.1 – Change to procedure for logging SAR – now online using GDPRiS<br><br>Section 16 – change to contact procedures – via DPOiS<br>Section 17 – change to contact procedures – via DPOiS<br>Section 20 – change to procedures – online GDPRiS  | CEO            | 30 <sup>th</sup> April 2020   |
| V6             | Section 14 - Wording added on cloud storage   | CEO            | 8 <sup>th</sup> October 2020  |
| V7             | The role of CEO is now incorporated into the role of the Group Director for Education and Children's Services.<br><br>The role of the Trust Business Manager has been updated to the Trust Data Protection Lead, which will be performed by the Head of Operations.<br><br>Section 6: Clarification of the Principles of GDPR<br>Section 6: Addition of points l,m,n,o,p<br>Section 10: Updated Contact details for Data Protection Officer<br>Section 11: Re-wording and grouping of sections relating to an individual's rights under GDPR.<br>Section 18: Overlap with Data Breach Procedure removed and some key points stated. | Group Director | Oct 2021                      |

(for most recent updates see front cover)



## Appendix 1

### Supplier contracts - GDPR checklist

Under the General Data Protection Regulation (GDPR) you must ensure that any third parties that process data on your behalf meet the GDPR requirements

- To do this, check the data protection clauses in all contracts that were live when the GDPR came into force (25 May 2018), and any that you've entered into since then
- You must include certain information in contracts with third parties/suppliers (such as insurers, payroll and school club providers) where the school passes data to them, and they receive and store it
- You can add this information as a schedule to the contract, rather than having to amend the whole document
- Our checklist sets out the information that the schedule needs to cover to help you get GDPR-compliant. Use it when amending contracts to make sure you're covering every base. You can also use this when agreeing new contracts
- The information in the checklist is taken from [paragraph 3 of article 28 of the GDPR](#)
- Speak to your legal advisers for further support and advice on the process of updating contracts

### Supplier contracts – GDPR checklist

| INFORMATION TO INCLUDE TO MEET GDPR REQUIREMENTS   | COMPLETE?                |
|--|--------------------------|
| The subject matter, duration, nature and purpose of the data processing<br><i>this information will need to be specific to each contract</i>   | <input type="checkbox"/> |
| The type(s) of personal data being processed<br><i>this information will need to be specific to each contract</i>  | <input type="checkbox"/> |
| The categories of the data subjects (the individuals whose data is being processed)<br><i>this information will need to be specific to each contract</i>   | <input type="checkbox"/> |
| The obligations and rights of the data controller (your school)<br><i>this information will need to be specific to each contract</i>   | <input type="checkbox"/> |
| The data processor (the third party/supplier) processes data only on the documented instructions of the school   | <input type="checkbox"/> |
| The people who process the data are committed to confidentiality, or are required by law to uphold confidentiality   | <input type="checkbox"/> |
| The third party takes measures to ensure data is processed securely  | <input type="checkbox"/> |
| The third party will not engage another processor without prior written authorisation from the school  | <input type="checkbox"/> |
| If the third party does engage another processor, this processor will be bound by a written contract with the same data protection conditions as are in the contract with the school   | <input type="checkbox"/> |
| The third party helps the school comply with: <ul style="list-style-type: none"> <li>• Upholding the data rights of individuals</li> <li>• Secure processing</li> <li>• Reporting and communicating data breaches</li> <li>• Conducting impact assessments where relevant</li> </ul> | <input type="checkbox"/> |
| The third party deletes or returns the personal data to the school at the end of the provision of services (unless the law states that the information must be kept)   | <input type="checkbox"/> |
| The third party makes information available to the school to demonstrate its compliance with the obligations in the contract, and allows the school or another party instructed by the school to conduct audits and inspections  | <input type="checkbox"/> |