Aspire Academy Trust

Aspire Data Protection Policy

Date: December 2021
Date of Approval: 17th January 2022
Approved by: Trust Board
Policy Owner: Date Protection Officer
Policy Type: Statutory
Review period: 3 years
Review date: September 2024

This policy was written alongside consulting the following roles in the Trust:

- IT and Communications Manager

Revision Log (last 5 changes)

Date	Version No	Brief detail of change

Contents

1. Aims

Our Trust aims to ensure that all personal data collected about staff, pupils, parents, trustees, hub councillors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill. This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information. In addition, this policy complies with our Funding Agreement and Articles of Association.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: • Name (including initials) • Identification number • Location data • Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The data controller

Our Trust processes personal data relating to parents, pupils, staff, trustees, visitors and others, and therefore is a data controller.
The Trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our Trust, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 The Aspire Board of Trustees

The Board of Trustees has overall responsibility for ensuring that the Trust complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, assessing audit recommendations and developing related policies and guidelines where applicable.

They will provide an annual report of their activities to include KPI's directly to the Audit committee who in turn will report to the Board of trustees and, where relevant, report to the board their advice and recommendations on Trust data protection issues.

The DPO is also the first point of contact for individuals whose data the Trust processes, and for the ICO. Full details of the DPO's responsibilities are set out in their job description. Our DPO is Victoria Edwards and is contactable via dataprotection@iaspire.net

5.3 Head of School

The head of school at each academy acts as the local representative of the data controller on a day-to-day basis.

5.4 All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the Trust of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
    - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
    - If they have any concerns that this policy is not being followed

- If they are unsure whether or not they have a lawful basis to use personal data in a particular way
- If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
- If there has been a data breach
- Whenever they are engaging in a new activity that may affect the privacy rights of individuals
- If they need help with any contracts or sharing personal data with third parties
- New data processes and the use of new 3rd party data processors.
- Subject Access Requests (SAR) and Freedom of Information (FOI) requests.

6. Data protection principles

The GDPR is based on data protection principles that our Trust must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure.

This policy sets out how the Trust aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust can **fulfil a contract** with the individual, or the individual has asked the Trust to take specific steps before entering into a contract
- The data needs to be processed so that the Trust can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the Trust, as a public authority, can perform a task **in the public interest,** and carry out its official functions

- The data needs to be processed for the **legitimate interests** of the Trust or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**
- For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary. Staff must only process personal data where it is necessary in order to fulfill their role. When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the Trust's Records Management Policy.

8. Sharing personal data

We will not normally share personal data with anyone else, but may do so where:

- There is an issue with a pupil or parent/carer that puts the safety of pupils or our staff at risk
- We need to liaise with other agencies – we will seek consent if required before doing this
- To support a decision to know when to share information, please refer to (*Appendix 1 - Flow chart)*
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
    - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
    - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
    - Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders

- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff. Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust holds about them. Refer to Subject Access Request (SAR) Procedure – stored on Staff Hub under Data Protection

10. CCTV

We use CCTV in various locations around the Trust site to ensure it remains safe. We will adhere to the ICO's Code of practice for the use of CCTV. Refer to CCTV Policy – stored on Staff Hub under Policies

11. Photographs and videos

As part of our Trust activities, we may take photographs and record images of individuals within our Trust.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Uses may include:

- Within the Trust on notice boards and in Trust magazines, brochures, newsletters, etc.
- Outside of Trust by external agencies such as the Trust photographer, newspapers, campaigns
- Online on our Trust website or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further. Consent allows the Trust to use the photographs in perpetuity. When using photographs and videos in this way we

will not accompany them with any other personal information about the child, to ensure they cannot be identified. See our Digital Safeguarding Policy and Social Media Policy for more information on our use of photographs and videos.

12. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing data privacy impact assessments (DPIA) where the Trust's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and ensure we are compliant
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of our Trust and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
    - For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

13. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.
In particular:

- Paper-based records that contain personal data are stored securely when not in use.
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- User access to data and mobile devices should be managed in line with the IT Technical Security policy. Devices should be digitally locked when not in use.
- Staff, pupils or trustees who store personal information on their personal devices are expected to follow the same security procedures as for Trust-owned equipment (refer to IT Acceptable Usage Agreement and Digital Safeguarding Policy)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)
- Digital data is stored securely using trust approved cloud based software platforms.

14. Disposal of records

Personal data that is no longer needed will be disposed of securely in line with the Records Management Policy. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the Trust's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

15. Personal data breaches

The Trust will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow the Data Breach procedure – stored on Staff Hub under Data Protection. When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a Trust context may include, but are not limited to:

- A non-anonymised dataset being published on the Trust website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a Trust laptop containing non-encrypted personal data about pupils

16. Training

All staff and trustees are provided with data protection training as part of their induction process. Data Protection for staff is mandatory and will be conducted

annually. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the Trust's processes make it necessary.

17. Monitoring arrangements

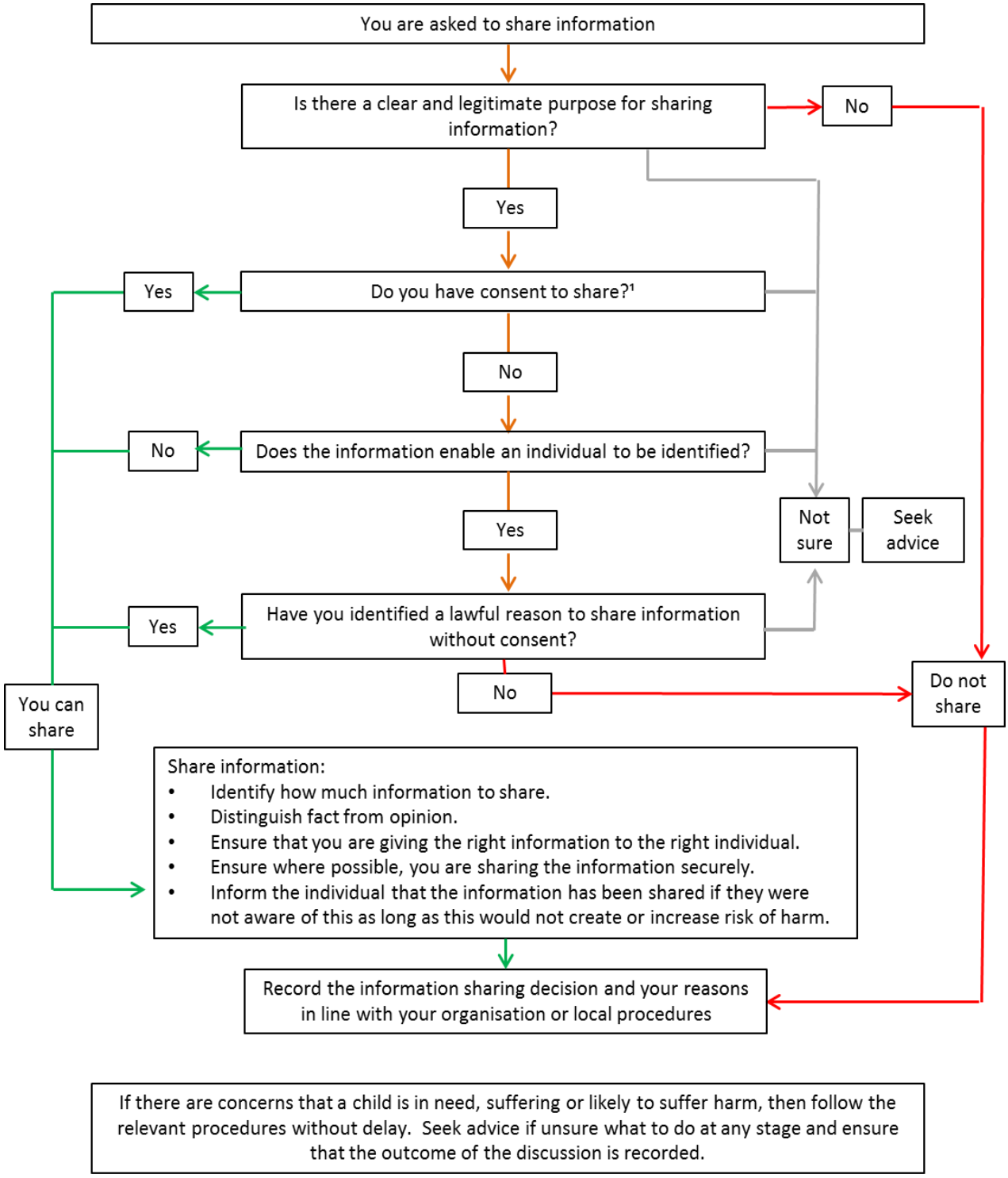
The DPO is responsible for monitoring and reviewing this policy. This policy will be reviewed and updated if necessary in line with GDPR legislation or guidance changes. Otherwise, this policy will be reviewed **every 3 years** and ratified by the Board of Trustees.

18. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- IT Acceptable Usage Agreement
- Digital Safeguarding Policy
- Records Management Policy
- Social Media Policy
- CCTV Policy
- Procedures
- IT Technical Security Policy

Appendix 1: Information Flow Chart – part of 'HM Government – Information Sharing – Advice for practitioners providing safeguarding services to children, young people, parents and care



1. Consent must be unambiguous, freely given and may be withdrawn at any time