STAMFORD PARK TRUST

Stamford Park Trust

Data Protection Policy

March 2024

Policy Title:	Data Protection Policy
Document Reference:	SPT/POL/000123-V1-T
This policy applies to:	All staff, students, trustees, governors, parents/carers, suppliers
Owner/Author:	Data Protection Officer
Establishment Level:	Trust
Approving Body:	Board of Trustees
Review Cycle:	Annual
Date approved:	
Date of Last Review (this should be the date on the cover):	March 2024
Summary of Changes:	Re-written policy – replaces 000123 (Feb 2023)
Date of Next Review:	March 2025
Related Documents/ Policies:	Freedom of information publication scheme Data Breach Procedures IT Acceptable Use Policy Safeguarding and Child Protection Policy Retention and Disposal Guidelines Business Continuity Plan
Legal Framework/Statutory Guidance:	See section 2

Contents

1. Aims

The trust aims to ensure that all personal data collected about staff, students, parents and carers, governors, visitors and other individuals is collected, stored and processed in accordance with UK data protection law.

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and statutory guidance

This policy meets the requirements of the:

- 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
- Data Protection Act 2018 (DPA 2018)

It is based on guidance published by the Information Commissioner's Office (ICO) on the UK GDPR and guidance from the Department for Education (DfE) on Generative artificial intelligence in education.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's guidance 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, living 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

term	definition
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 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 and carers, students, staff, governors, visitors and others, and therefore is a data controller.

The trust is registered with the ICO and has paid its data protection fee to the ICO, as legally required.

5. Roles and responsibilities

This policy applies to all staff employed by the 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 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 (DPO)

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

The DPO will provide an annual report of their activities to the Audit & Risk Committee 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. The DPO can be contacted at c.j.haigh@spt.ac.uk or in by post at:

Carolyn Haigh
Data Protection Officer
Stamford Park Trust
Darnton Road
Ashton-under-Lyne
OL6 9RL

5.3 Academy Leaders

The Principal or Headteacher of each academy in the trust acts as the 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 UK
    - 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

6. Data Protection Principles

The UK GDPR is based on data protection principles that the 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 1 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 or another person i.e. 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 or exercise its official authority
- The data needs to be processed for the legitimate interests of the trust (where the processing is not for any tasks the trust performs as a public authority) 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 student) has freely given clear consent

For special categories of personal data, we will also meet 1 of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a student) has given explicit consent
- The data needs to be processed to perform or exercise obligations or rights in relation to employment, social security or social protection law
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made manifestly public by the individual
- The data needs to be processed for the establishment, exercise or defence of legal claims
- The data needs to be processed for reasons of substantial public interest as defined in legislation
- The data needs to be processed for health or social care purposes, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for public health reasons, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for archiving purposes, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a student) has given consent
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made manifestly public by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of legal rights
- The data needs to be processed for reasons of substantial public interest as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

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 do their jobs.

We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate.

In addition, 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 record retention schedule.

8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a student or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
    - Only appoint suppliers or contractors that can provide sufficient guarantees that they comply with UK data protection law
    - Establish a contract with the supplier or contractor 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

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

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 students or staff.

Where we transfer personal data internationally, we will do so in accordance with UK 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. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form they must immediately seek advice from the DPO.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of students at the trust may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts.

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing

- Object to processing that has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately seek advice from the DPO.

10. Parental requests to see the educational record

Whist academies are not subject to the Education (pupil information) (England) Regulations 2005, students do have a right of access to their personal information under the General Data Protection Regulations (GDPR).

Where a request for an education record is made, this will be dealt with under the terms of the Data Protection Act 2018 and the General Data Protection Regulations. In accordance with the legislation, it may take up to one month (or 20 school days) from the day after the date of receipt for the request to be considered and a formal response provided. Should the deadline need to be extended the student/parent will be notified and kept informed.

Requests can be made by contacting the office at the relevant academy or by contacting the DPO directly at c.j.haigh@spt.ac.uk.

11. Biometric recognition systems

Where we use students' biometric data as part of an automated biometric recognition system (for example, students use finger prints to receive school dinners instead of paying with cash, we will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least 1 parent or carer before we take any biometric data from their child and first process it.

Parents/carers and students have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those students. For example, students can pay for school dinners in cash at each transaction if they wish.

Parents/carers and students can withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a student refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the student's parent(s)/carer(s).

Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

12. CCTV

We use CCTV in various locations around the trust site to ensure our sites remains safe. We will follow the ICO's guidance for the use of CCTV, and comply with data protection principles.
We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to Adam Tucker, Head of Estates and Compliance at a.j.tucker@spt.ac.uk.

13. Photographs and videos

As part of trust activities, we may take photographs and record images of individuals within the trust.

We will obtain written consent from parents/carers, or students where age-appropriate, for photographs and videos to be taken of students for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and the student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.
Any photographs and videos taken by parents/carers at events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other students are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or students where appropriate) have agreed to this.

Where the trust takes photographs and videos, uses may include:

- Within the trust on notice boards and in magazines, brochures, newsletters, etc.
- Outside of the trust by external agencies such as the school photographer, newspapers, campaigns
- Online on the trust/academy websites 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.

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.

14. Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, students and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. The trust recognises that AI has many uses to help students learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, the trust will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

15. 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 protection impact assessments 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 records of completion
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of the 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, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

16. 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 and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Passwords that are at least 8 characters long containing letters and numbers are used to access computers, laptops and other electronic devices. Staff and students are reminded that they should not reuse passwords from other sites
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, students or trustees/governors who store personal information on their personal devices are expected to follow the same security procedures as for trust-owned equipment (see our IT Acceptable Use Policy for more details)
- 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)

17. Disposal of records

Personal data that is no longer needed will be disposed of securely as set out in the trust's Retention and Disposal Guidelines. 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.

18. Examinations

Where personal data is processed in relation to the delivery of examinations and assessments, the trust will follow the JCQ General Regulations for Approved Centres, and in particular, paragraphs 6.1-6.9 – Personal Data.

19. 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 procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. 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 students 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 students

20. Training

All staff are provided with data protection training as part of their induction process and are asked to complete online training every 2 years.

Training will also be provided to staff where changes to legislation, guidance or the trust's processes make it necessary.

21. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed annually and approved by the full governing board.

Appendix 1: Personal data breach procedure

If any member of staff suspects they may have breached or there is a risk of breaching data protection legislation, they must notify the Data Protection Officer (DPO) immediately at c.j.haigh@spt.ac.uk or 07909 044834.

The DPO will commence an investigation to identify whether a breach has or is likely to occur and the mechanisms which have led to this situation.

The investigation will require the DPO to use the following methods:

- Verbal interviews
- Requests for written statements
- Reviews of systems and procedures
- Reviews of documentation

All staff must comply with requests made by the DPO during the course of the investigation.

The DPO may request some immediate actions to be taken in order to contain the breach and prevent any further loss of data, and these requests must be adhered to.

The DPO will prepare a report for the Chief Executive outlining the findings of the investigation.

The report will provide the Chief Executive with full details of the breach, how this occurred, the potential or actual impact of the breach on the data subject(s), which principles of the GDPR/Data Protection Act 2018 have been compromised; and recommendations on action to take going forward to contain the breach, report the breach (if necessary – see point 4.8) and avoid any recurrence.

When a personal data breach has occurred, the DPO must to establish the likelihood and severity of the resulting risk to people's rights and freedoms. If is likely that there will be a risk then the DPO must notify the ICO within 72 hours of the organisation becoming aware of the breach; if it's unlikely then the breach does not have to be reported. However, if it is decided the breach does not need to be reported, this decision needs to be justified and documented within the Data Protection Breach report to the Chief Executive and kept on file.

Failing to notify a breach when required to do so can result in a significant fine up to 10 million euros or 2 per cent of the organisation's global turnover. The fine can be combined with the ICO's other corrective powers under Article 58 of the GDPR.

The Chief Executive is not obliged to act on the recommendations of the DPO, however the DPO retains the right to refer the matter to the board of Trustees and the ICO where the DPO believes this to be necessary.