



ST. MARY'S  
ACADEMY TRUST

# St Mary's Academy Trust

## Data Protection Policy

Date agreed by Board.....4<sup>th</sup> July 2016.....

Date to be reviewed.....4<sup>th</sup> July 2018.....

## **1 Introduction**

- 1.1 St Mary's Academy Trust is fully committed to compliance with the requirements of the General Data Protection Regulations 2018 (GDPR), which came into force on the 25<sup>th</sup> May 2018. The Trust will therefore instigate and apply procedures that aim to ensure that all employees, contractors, agents, consultants, partners or other servants of the Trust who have access to any personal data held by or on behalf of the Trust, are fully aware of the abide by their duties and responsibilities under the GDPR.
- 1.2 The Trust is classed as a Data Controller and could be prosecuted for any serious breaches of the GDPR that may be committed.

## **2 Policy Statement**

- 2.1 In order to operate efficiently, St Mary's Academy Trust collects and uses information about people with who it communicates. These may include members of the public, current, past and prospective employees, clients and customers, and suppliers. In addition, the Trust may be required by law to collect and use information in order to comply with the requirements of central government, This personal information must be handled and dealt with properly, however it is collected, recorded and used. Personal information may be recorded on paper, in computer records or other formats which must all comply with the principles of the General Data Protection Regulations 2018.
- 2.2 In carrying out our responsibilities we have cause to collect and use information about individuals for whom we provide services. We may also use the information to derive statistics to provide informed decisions, but use them in such a way that individuals cannot be identified from them.
- 2.3 General Data Protection Regulations 2018, states that the processing of personal data should be 'fair'. This means that the Authority, as 'Data Controller', should provide a Privacy Notice when collecting data which sets out:
- The information we hold about them
  - Why we need the information
  - What we want to use it for
  - Who we will share the information with
- 2.4 St Mary's Academy Trust regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between the Trust and those with whom it carries out business. The Trust will ensure that it treats personal information lawfully and correct.

To this end the Trust fully endorses and will adhere to the principals of data protection as set out in the General Data Protection Regulations 2018. GDPR compliance will be achieved through a combination of processes, actions and procedures that will be monitored for their consistency and effectiveness to support the detailed principles contained within this policy.

### **3 Scope**

- 3.1 This policy informs recipients of the Trusts services, members of the public and external parties of the processes the Trust has established for complying with the GDPR.
- 3.2 This policy operationally applies to all employees of the Trust, contractors, agents, pupils, parents, partners and temporary staff working for or on behalf of the Trust.
- 3.3 The GDPR does not apply to requests for information about a person if they are deceased. These requests should be processed in accordance with the Freedom of Information Act (FoIA) 2000, but should also be considered fairly and lawfully.

### **4 Data Protection Principles**

- 4.1 The GDPR and the Information Commissioner, who oversees compliance with the GDPR and promotes good practice, requires all data controllers who process personal data to be responsible for their processing activities and comply with the eight legally enforceable data protection principles of 'good information handling'; the principles require that personal information shall:
1. Be processed fairly and lawfully and in particular, shall not be processed unless specific conditions are met;
  2. Be obtained only for one or more specified and lawful purpose and shall not be further processed in any manner incompatible with that purpose or those purposes;
  3. Be adequate, relevant and not excessive in relation to the purpose of purposes for which it is processed;
  4. Be accurate and where necessary, kept up to date;
  5. Not be kept for longer than is necessary for that purpose or those purposes;
  6. Be processed in accordance with the rights of the data subjects under the Act;
  7. Be kept secure, i.e. protected by an appropriate degree of security;
  8. Not to be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

### **5 Prerequisite Conditions for Processing Information within GDPR**

- 5.1 The GDPR provides conditions for the processing of any personal data. It also makes a distinction between "personal" data and "sensitive" personal. Sensitive personal data requires stricter conditions of processing.
- 5.2 Personal data is defined as, data relating to a living individual who can be identified from:
- That data;

- That data and other information which is in the possession of, or is likely to come into the possession of the data controller and includes an expression of opinion about the individual and any indication of the intentions of the data controller, or any other person in respect of the individual.

5.3 Under the Regulations, one from a set of additional conditions must be met for the information to be classed as 'sensitive personal data'. This includes information about racial or ethnic origin, political opinions, religious and other beliefs, trade union membership, physical or mental health conditions, sexual life, criminal proceedings or convictions. The Trust will ensure that one of the following additional conditions is met before it processes any sensitive personal data:

- The individual has explicitly consented to the processing
- The information is required by law for employment purposes
- The information is processed in order to protect the vital interests of the individual or another person
- The processing is necessary to deal with the administration of justice or legal proceedings

## **6 Individuals' Rights**

6.1 The Trust will ensure that individuals are given their rights as defined within the Regulations including:

- The right to be informed that processing is being undertaken;
- The right of access to one's personal information within the statutory 40 days, under the Subject Access provision;
- The right to prevent processing in certain circumstances;
- The right to correct, rectify, block or erase information regarding as wrong information.

## **7 Roles and Responsibilities**

7.1 All individuals permitted to access personal data on behalf of the Trust must agree to comply with this Policy and will take steps to ensure that personal data is kept secure at all times against unauthorised or unlawful loss of disclosure.

Any breach of any provision of the GDPR will be deemed as being a breach of any contract between the Trust and that individual, company, partner or firm;

Any individual who knowingly or recklessly processes data for the purposes other than those for which it is intended or is deliberately acting outside of their recognised responsibilities may be subject to the Trust's disciplinary procedures, including dismissal where appropriate, and possible legal action.

7.2 Headteachers are required to ensure that the staff in their schools for which they are responsible have in place adequate guidance on data protection act and effective measures to comply with this policy.

- 7.3 Third parties who are users of personal information supplied by the Trust will be required to confirm that they will abide by the requirements of the General Data Protection Regulations with regard to information supplied by the Trust and allow data protection audits by the Trust of data held on its behalf (if requested); and

Indemnify the Trust against any prosecutions, claims, proceedings, actions or payments of compensation or damages, without limitation.

The General Data Protection Regulations does not give third parties rights of access to personal information for research purposes, unless a contractual agreement has been established between the Trust and the third party to perform research services.

- 7.4 The Trust will ensure that:

- Everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- Staff who handle personal information are appropriately supervised and trained;
- Queries about handling personal information are promptly dealt with;
- People know how to access their own personal information;
- Methods of handling personal information are regularly assessed and evaluated;
- Any disclosure of personal data will be in compliance with approved procedures;
- All necessary steps will be taken to ensure that personal data is kept secure at all times against unauthorised or unlawful loss or disclosure; and
- All contractors who are users of personal information supplied by the Trust will be required to confirm that they will comply with the requirements of the Act with regard to information supplied by the Trust.
- Where justified, the Trust will report any unauthorised disclosure, loss or leakage of information to the Information Commissioner's Office (ICO).  
**No** other employee or offer should communicate with the ICO in this regard.

## 8 Information Commissioner – Notification and Registration

- 8.1 The Trust has registered its use of personal data with the Information Commissioner and the register reference is given below. The register can be accessed and searched on the Information Commissioner's website: [www.ico.org.uk](http://www.ico.org.uk)

Data Controller: St Mary's Academy Trust  
Registration Ref: ZA144835

St Mary's CE Primary School  
All Saints Academy  
Queens Road Academy  
West Meadows Primary School  
Darton Primary School  
The Mill Academy

Royston St John Baptist CE Primary School

Information Services will review the Data Protection Register annually and notify the Information Commissioner of any amendments.

## 9 Complaints

- 9.1 If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Customer Services Team  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Website address: <http://www.ico.org.uk>  
Tel: 01625 545 745

## 10 References and Related Documents

### 10.1 References

- General Data Protection Regulations 2018
- Freedom of Information Act 2000
- Human Rights Act 1998
- Computer Misuse Act 1990