



# Data Protection

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**Document Change Control**

All changes are to be agreed and authorised by a member of the senior leadership team or an authorised staff member.

**Document Change Record**

| Revision No. | Date                     |
|--------------|--------------------------|
| 1            | 02/01/2025 (First Draft) |
| 2            | 21/01/2025 (Final Draft) |
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## **Introduction**

Kingsley Primary School Data Protection Policy has been produced to ensure compliance with the Data Protection Act 2018 (the DPA 2018) the General Data Protection Regulation (GDPR) and all associated legislations.

The DPA 2018 gives individuals rights over their personal data and protects individuals from the erroneous use of their personal data.

Kingsley Primary School is registered with the Information Commissioner's Officer as the data controller for the purposes for the personal data its process about individuals.

## **Purpose**

This policy is a requirement of the DPA 2018 and the GDPR. The policy outlines the our overall approach to its responsibilities and legal obligations as the 'Data controller' under the DPA 2018 and the GDPR.

## **Scope**

This policy applies to all employees (including temporary, casual or agency staff) governors, contracts and consultants working for Kingsley Primary School. It also applies to any service providers that we contract with who process personal information on behalf of the school.

This policy also covers any staff who may be involved in research or other activity that requires them to process or have access to personal data, for instance as part of a research or as part of a professional practise activities. If this occurs, it is the responsibility of the school to ensure the data is processed in accordance with the DPA 2018 and that students and staff are advised about their responsibilities.

## **Data covered by the policy**

A detailed description of this definition is available from the ICO, however briefly, personal data is information relating to an individual where the structure of the data allows information to be accessed i.e., as part of a relevant filing system. This includes data held manually and electronically and data compiled, stored, or otherwise processed by us or by a third party on its behalf.

Special category data is personal data consisting of information relating to:

- Racial or ethnic origin
- Political opinions, religious beliefs, or other beliefs of a similar nature
- Membership of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992)
- Physical or mental health or condition
- Sexual life or sexual orientation

## **The six data protection principles**

The DPA 2018 requires the school, including staff, governors and other individual who process personal information on behalf of the Kingsley Primary School, we must comply with the six data protection principles.

- Be obtained and processed fairly and lawfully and shall not be processed unless certain conditions are met.
- Be obtained for a specified and lawful purpose and shall not be processed in any manner. incompatible with that purpose.
- Be limited to only what is required for the purposes for which it is being collected.
- Be accurate and kept up to date.

- Not be kept for longer than is necessary for the purpose.
- Be kept safe from unauthorised or unlawful processing and against accidental loss, destruction, or damage.

Kingsley Primary School has an appointed Data Protection Officer to:

- Inform and advise the school and its employees about their obligations to comply with the GDPR and other data protection laws.
- Monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits and providing the required training to staff members.
- The DPO reports to the highest level of management at the school, which is the Headteacher.
- Our data protection officer is provided by ADNS Group and can be contacted at the following address:

**Scott Thornhill**

**5 Eggleston Court, Riverside Park**

**Middlesbrough**

**TS2 1RU**

**Tel No: 01642 248750**

**Email: [compliance@adnsgroup.com](mailto:compliance@adnsgroup.com)**

All new members of staff will be required to complete a mandatory information governance module as part of their induction and existing staff will be requested to undertake refresher training on a regular/annual basis.

Employees within Kingsley Primary School are expected to:

- Familiarise themselves and comply with the six data protection principles
- Ensure any possession of personal data is accurate and up to date
- Ensure their own personal information is accurate and up to date
- Keep personal data for no longer than is necessary.
- Ensure that any personal data they process is secure and in compliance with the schools information related policies and strategies.
- Acknowledge data subjects' rights (e.g. right of access to all their personal data held by Kingsley Primary School under the DPA 2018, and comply with access to records.
- Ensure personal data is only used for those specified purposes and is not unlawfully used for any other business that does not concern the school.
- Obtain consent with collecting, sharing, or disclosing personal data.

- Contact the DPO at [compliance@adnsgroup.com](mailto:compliance@adnsgroup.com) if they require advice or guidance, need to report data protection breach, or have any concerns relating to the processing of personal data under the DPA 2018.

## **Records Management and Responsibilities**

Kingsley Primary School has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The person with overall responsibility for this policy is the DPO headteacher or the Facilities and Admin Manager. The Facilities and Admin manager will act as accountable person and a champion for records management. They will oversee records management policy and strategy and ensure that the necessary resources are made available and remedial action is taken when problems arise. They will give guidance for good records management practise and will promote compliance with this policy so that information will be retrieved easily, appropriately and in a timely way. They will also monitor compliance with this policy by surveying at least annually to check if records are stored securely and can be accessed appropriately and will support appropriate allocation of resources towards the school records management programme and will promote records management training for all staff.

The person with operational responsibility for the school records management programme is the headteacher, in partnership with the deputy headteacher, Facilities and Admin manager and ICT Co-ordinator. They will ensure that the programme is developed, manage it's implementation and overall functioning, including the production of procedures and guidance, work with business units to determine vital records and develop and implement disposal policies and schedules, as well as facilitating programme reviews and improvements.

All staff must ensure that records for which they are responsible are accurate and are maintained and disposed of in accordance with the school's records management guidelines.

## **Obtaining, disclosing, and sharing**

Only personal data that is necessary for a specific school reason should be obtained.

Parents are informed about how their child's data will be processed when they sign the permissions form upon registration.

Upon acceptance of employment, our members of staff also consent to the processing and storage of their data.

Data must be collected and stored In a secure manner.

Personal information must not be disclosed to a third-party organisation without prior consent of the individual concerned unless the disclosure is legally required or permitted. This also includes information that would confirm whether an individual is or has been an applicant, student, or employee of Kingsley Primary School.

Kingsley Primary School may have a duty to disclose personal information to comply with legal or statutory obligation. The DPA 2018 may permit the school to share data without consent or without informing individuals in accordance with the right to be informed:

1. With the police and law enforcement bodies where it is considered necessary for the prevention and detection of crime.
2. Where the information may be necessary under enactment, for the purposes of legal proceedings and or for exercising of defending legal rights.
3. Where the processing is necessary because it is a task carried out for in the public interest, for example sharing information with the local authority, for example safeguarding and child protection.

All requests from third party organisations seeking access, to personal data held by Kingsley Primary School should be directed to the Becky Wright at [business@kingsleyschool.org.uk](mailto:business@kingsleyschool.org.uk) and the Data Protection Officer at [compliance@adnsgroup.com](mailto:compliance@adnsgroup.com). Kingsley Primary School will keep a record of all requests received from third party organisations. This information may be requested by the DPO or the information commissioner at any time to comply and actively evidence compliance, with data subject rights.

Personal information that is shared with third parties on a more regular basis shall be carried out under written agreement to stipulate the purview and boundaries of sharing. For circumstances where personal information would need to be shared in the case of ad hoc arrangements, sharing shall be undertaken in compliance with the DPA 2018.

### **Retention, security, and disposal**

Recipients responsible for the processing and management of personal data need to ensure that the data is accurate and up to date. If an employee, student, or applicant is dissatisfied with the accuracy of their personal data, then they must inform Becky Wright at [business@kingsleyschool.org.uk](mailto:business@kingsleyschool.org.uk)

Personal information held in paper and electronic format shall not be retained for longer than is necessary. In accordance with data protection principles of the DPA 2018, personal information shall be collected and retained only for school, regulatory or legal purposes.

In accordance with the provisions of the DPA 2018, all staff whose work involves processing personal data, whether in electronic or paper format must take personal responsibility for its secure storage and ensure appropriate measures are in place to prevent accidental loss or destruction of or damage to personal data.

Staff working from home will be responsible for ensuring that personal data is stored securely and is not accessible to others.

All departments should ensure that data is destroyed in accordance with the retention schedule when its no longer required.

Personal data in paper format must be shredded. Personal data in electronic format should be deleted. Hardware should be appropriately degaussed in compliance with IT service provider contract to ensure the data held on the external device is screened, reviewed before being degaussed and securely destroyed.

### **Transferring personal data**

Any transfer of personal data must be done securely in line with Kingsley Primary School online safety policy and acceptable user agreement.

Email communication is not always secure and sending personal data via external email should be avoided unless it is encrypted with a password provided to the recipient by separate means such as via telephone.

Care should be taken to ensure emails containing personal data are not sent to unintended recipients. It is important that emails are addressed correctly, and care is taken when using reply all or forwarding or copying others into emails. Use of the blind copy facility should be considered when sending an email to multiple recipients to avoid disclosing personal information to others.

Personal email accounts should not be used to send or receive personal data for work purpose.

### **Data subjects (subject access requests)**

Under the DPA 2018, individuals (staff, pupils' parents and governors and students etc) have the following rights...

- Access to personal information processed by Kingsley Primary School
- Object to processing of personal data that is likely to cause, or is causing, damage or distress.

- Prevent processing for direct marketing.
- Object to decisions being taken by automated means.
- In certain circumstances have inaccurate or incomplete personal data rectified, blocked, restricted, erased or destroyed.
- Claim compensation for damages caused by a breach of the Data Protection regulations.

Individuals can make a 'subject access request' to any member of school staff, verbally or in writing to request access to personal information the school holds about them, subject to any exemptions or restrictions that may apply.

The school shall use its discretion under the DPA 2018 to encourage informal access at a local level to a data subjects' personal information, but the school's formal procedure for the processing of subject access requests must be followed to comply with the DPA 2018.

Any individual who wishes to exercise their right of access can do so verbally or in writing. There is no legal requirement to ask the requester to keep our subject access request form, but we may ask the requester to do so. A copy of our subject access request form is available by contacting Kingsley Primary School or the DPO directly.

Kingsley Primary School may not charge a fee. It will only release any information upon receipt of the completed subject access request form, along with proof of identity or proof of authorisation where requests are made on the behalf of a data subject by a third party. The requested information will be provided within the statutory timescale of 1 month from receipt of the completed form.

### **Reporting a data security breach**

Kingsley Primary School must notify the ICO of any data breach within 72 hours, as legally required. All breaches, regardless of size, must be reported and handled in line with the Data Breach and Data Protection policies. Non-compliance will result in potential fines/reprimands from the ICO. The school may also provide additional training for the employees involved, depending on severity and/or occurrence, the school may take.

All breaches, big or small, must be reported to the Data Protection Officer (DPO) at ADNS Group (contact: 01642 248750). The DPO will investigate the breach within 24 hours and document it in a breach register, even if no harm was caused.

After an investigation, the DPO will assess the breach's severity and notify management. If needed, legal advice will be sought. This process will occur within 24 hours of breach awareness.

The DPO and school managers will create a recovery plan to minimize risks. Interviews with involved individuals will identify causes and corrective actions within 24 hours of the assessment.

If the breach poses a risk to individuals' rights and freedoms, the ICO will be notified within 72 hours. Affected individuals will also be informed within this timeframe.

The ICO will receive:

- Details of the breach (what happened, how, and when it was discovered).
- Affected individuals.
- Actions taken in response.
- Contact details for follow-up.

Affected individuals will be promptly informed in clear, transparent language. Depending on severity, relevant third parties such as employees, sponsors, or insurers may also be notified within five days of breach awareness.