



ST BEDE'S RC PRIMARY SCHOOL

**Harold Street
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**Tel: (0191) 489 8218
Fax: (0191) 420 3603
E-mail: office@stbedesjarrow.co.uk
www.st-bedesrcjarrow.s-tyneside.sch.uk**

Head Teacher: Mrs M Rooney

Jesus is at the heart of life in St Bede's School.

We pray that He will guide us to be happy, love one another and always do our best

GDPR Individuals Rights

The GDPR provides the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right of erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. Rights in relation to automated decision making and profiling

The school will ensure that all parents/carers and school staff are aware of these rights via the school privacy notices. Also, the school will ensure that should any parent/carer or member of school staff request to invoke any of the rights listed above that they will treat the request in the correct manner and assist the individual anyway it can.

However, some of the rights listed will not apply due to other conditions set. An example would be the right to erasure, as if the individual requested this to happen to a record, then this could hamper the schools ability to perform its public task. As such, any requests that are made will be treat on a case by case basis, and the requester will be kept informed at all times around the decisions that the school make regarding their request.

Below is a brief guide to what each of the rights are:

1. **The right to be informed** – The right to be informed encompasses your obligation to provide 'fair processing information', typically through a privacy notice. It emphasises the need for transparency over how you use personal data.
2. **The right of access** – Individuals have the right to access their personal data and supplementary information. The right of access allows individuals to be aware of and verify the lawfulness of the processing.
3. **The right to rectification** – The GDPR gives individuals the right to have personal data rectified. Personal data can be rectified if it is inaccurate or incomplete.
4. **The right to erasure** – The right to erasure is also known as the 'right to be forgotten'. The broad principal underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.
5. **The right to restrict processing** – Individuals have the right to 'block' or suppress processing of personal data. When processing is restricted, you are permitted to store the personal data, but not further process it. You can retain just enough information about the individual to ensure that the restriction is respected in future.
6. **The right to data portability** – The right to data portability allows individuals to obtain and reuse their personal data for their own purposes across different services. It allows them to move, copy, or transfer personal data easily from one IT environment to another in a safe and secure way, without hindrance to usability.
7. **The right to object** – Individuals have the right to object to processing based on legitimate interests or the performance of a task in the public interest/exercise or official authority (including profiling). Direct Marketing, and processing for purposes of scientific/historical research and statistics.
8. **Rights related to automated decision making including profiling** – This is not applicable to schools. However, should an individual challenge the school in any way regarding automated decision making, then the school will carry out an investigation.





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Vital Interests

GDPR has the following lawful bases for processing data:

(d) vital interests: the processing is necessary to protect someone's life.

This is one of the lawful bases that the school uses for processing data within GDPR. It is required as the school processes the personal data to protect someone's life

This processing is necessary as without it the school would not be able to protect a person's vital interests in any other less intrusive way. The school rely on this basis to store medical and special educational needs data to assist the school in protecting someone's life.

Article 6 (1)(d) provides the lawful basis for processing where:

'Processing is necessary in order to protect the vital interests of the data subject or of another natural person'

Recital 46 provides further guidance:

'The processing of personal data should also be regarded as lawful where it is necessary to protect an interest which is essential for the life of the data subject or that of another natural person. Processing of personal data based on the vital interest of another natural person should in principal take place only where the processing cannot be manifestly based on another legal basis.'

This lawful basis generally only applies to matters of life and death. This is likely to be relevant for emergency medical care. While the school will use lawful basis **(a) consent: the individual has given clear consent for you to process their personal data for a specific purpose**, for the majority of its medical and special education needs processing. It may be required to use vital interests in the case of a life and death matter.





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Data Protection by design and default policy

St Bede's RC Primary School, Jarrow

Under the General Data Protection Regulation (GDPR), the school has a general obligation to implement technical and organisational measures to show that you have considered and integrated data protection into your processing activities.

Privacy by design should be a key consideration in the early stages of any project and should continue throughout its lifecycle. This allows schools to minimise privacy risks and builds trust. By designing projects, processes, products and systems with privacy in mind at the outset can lead to benefits which include:

- Potential problems are identified at an early stage.
- Increased awareness of privacy and data protection across the school.
- The school are more likely to meet their legal obligations and less likely to breach GDPR.
- Actions are less likely to be privacy intrusive and have a negative impact on individuals.

There are 7 foundational principles of privacy by design

- Proactive not reactive
- Privacy as the default setting
- Privacy embedded into design
- Full functionality – Positive-sum, no zero-sum
- End-to-End security – Full lifecycle protection
- Visibility and transparency
- Respect for user privacy

1. Proactive not reactive

The Privacy by design approach is characterised by being proactive rather than reactive. By using this approach, the school will anticipate and prevent privacy invasive events before they happen. This approach means that the school are not waiting for a privacy risk to materialise, nor does it offer remedies for resolving privacy infractions once they have occurred – it aims to prevent them from occurring. In short privacy by design comes before the fact, not after.

2. Privacy as the default setting

Privacy by design seeks to deliver the maximum degree of privacy by ensuring that personal data are automatically protected. If an individual does nothing, their privacy still remains intact. No action is required on the part of the individual to protect their privacy.

3. Privacy embedded into design.

Privacy by design is embedded into the design of school practices. It should not be a bolted add-on, after the fact. The result is that privacy becomes an essential component of the core functionality being delivered. Privacy becomes integral to school practices.

4. Full Functionality – Positive-Sum, not Zero-Sum

Privacy by design seeks to accommodate all legitimate interests and objectives in a positive-sum win-win manner, not through a dated, zero-sum approach, where unnecessary trade-offs are made. Privacy by design avoids the pretence of false dichotomies, such as privacy vs. security – demonstrating that it is possible to have both.

5. End-to-End security – Full lifecycle protection

Privacy by design, having been embedded into the project prior to anything else extends securely throughout the entire lifecycle of the data involved – strong security measures are essential to privacy from start to





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finish. This ensures that all data are securely retained, and then securely destroyed at the end of the process, in a timely fashion. Thus, privacy by design ensures cradle to grave, secure lifecycle management of information, end-to end.

6. Visibility and transparency

Privacy by design seeks to assure everyone that whatever the practice of the school regarding personal data that it is in fact, operating according to the stated promises and objectives, subject to independent verification. Its component parts and operations remain visible and transparent, to users and providers alike. Remember, trust but verify.

7. Respect for user privacy

Above all, privacy by design requires the school protect the interests of the individual by offering such measures as strong privacy defaults, appropriate notice, and empowering user-friendly options. Keep it user-centric.





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Privacy Impact Assessment (PIAs) Policy

St Bede's RC Primary School, Jarrow

Privacy Impact Assessments (PIA's) are an integral part of taking a privacy by design approach. PIA's are a tool that the school can use to identify and reduce the privacy risks of a project. A PIA can reduce the risk of harm to individuals through misuse of their personal information. It can also help the school design a more efficient and effective process for handling personal data.

You can integrate the core principals of the PIA process with your existing project and risk management policies. This will reduce the resources necessary to conduct the assessment and spreads awareness of privacy throughout the school.

An effective PIA will allow the school to identify and fix problems at an early stage and PIA's are an integral part of privacy by design. PIAs are often applied to new projects. However, a PIA can also be used if the school are planning changes to an existing process.

The school have a process and guidance on how they will approach PIAs.

Privacy Risk

PIA's should assist the school in identifying privacy risk, which is the risk of harm through an intrusion into privacy. This is the risk of harm through use or misuse of personal information. Some ways that this risk can arise are through personal information being:

- Inaccurate, insufficient or out of date;
- Excessive or irrelevant;
- Kept for too long;
- Disclosed to those who the person it is about does not want to have it;
- Used in ways that are unacceptable to or unexpected by the person it is about; or
- Not kept securely.

The outcome of a PIA should be to minimise privacy risk. The school should develop an understanding of how it will approach the broad topics of privacy and privacy risk.

Benefits

The benefits of a PIA are that allows individuals to be reassured that the school which uses their information have followed best practice. A project which has been subject to a PIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way. A PIA should also improve transparency and make it easier for an individual to understand why their information is being used.

The school should also benefit from using PIA's. The process of conducting the assessment will improve how the school use information which impacts on individual privacy. This should in turn reduce the likelihood that the school will fail to meet its legal obligations.

Conducting and publishing a PIA will help the school build trust with the people using their services. The actions taken during and after the PIA process can improve the schools understanding of its stakeholders.

Consistent use of PIA's will increase the awareness of privacy and data protection within the school and ensure that all staff involved in designing projects think about privacy at the early stages.





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When should we use PIAs?

The core principals of PIA can be applied to any project that involves the use of personal data, or any other activity which could have an impact on the privacy of individuals.

A PIA should be used on new projects or when making an amendment to a current project. The PIA should be built into the project management structure.

Who should carry out the PIA?

It is the school decision who is best placed to carry out the PIA. The Data Protection Officer (DPO) is well placed to have a significant role in a PIA. However, the PIA is designed to be used by anyone within the school. For the PIA to be effective it should include some involvement from various people within the school, who will each be able to identify different privacy risks and solutions.

What should the PIA do?

The PIA should be flexible so that it can be integrated with the schools existing approach to managing projects. The PIA should incorporate the following:

- Identify the need for a PIA
- Describe the information flows
- Identify the privacy and related risks
- Identify and evaluate the privacy solutions
- Sign off and record the PIA outcomes
- Integrate the outcomes into the project plan
- Consult with internal and external stakeholders as needed throughout the process.





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Privacy Notice (How we use pupil information)

The categories of pupil information that we collect, hold and/or share include:

- Personal information (such as name, unique pupil number and address, adult emergency contact information)
- Characteristics (such as free school meal eligibility, Pupil Premium Information)
- Special Categories (such as Ethnicity, Language, Nationality, Country of birth & Religion)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information
- Relevant medical information (Special Category Data)
- Special Educational Needs information
- Exclusions and Behavioural information.
- Financial Information (such as dinner money transactions, trip transactions)

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- Financial audits
- to provide a rewards structure
- to track how well the school is performing as a whole

The lawful basis on which we use this information

We collect and use pupil information under the Education Act 1996/ Data Protection Act 1998 and EU General Data Protection Regulation (GDPR) Article 6, and Article 9 -from 25 May 2018. (excluding (f) legitimate interests).

Special category data from article 9 is processed under condition (a) the data subject has given explicit consent to the processing of those personal data for one or more specified purpose, except where Union of Member State law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this. This will be via the pupil information sheet that you are requested to complete upon your child's entry to the school.

Storing pupil data

We hold pupil data if it is lawful for us to do. Any data that we are no longer required to hold lawfully is deleted/destroyed in accordance with the school's GDPR Data Ecosystem document.





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Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)
- Medical information as appropriate/necessary with the NHS
- Third party companies/partners who are assisting the school. All third-party companies/partners who process data on our behalf will have a data processing agreement with the school.

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

We share data with schools that your child attends after leaving us to assist with the school transition process.

We share data with third party companies/partners who may require this information to assist the school.

We share pupil data with the NHS when appropriate to assist with medical needs of children within the school.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:





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- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the school. Please see the schools subject access request policy for further information.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, restrict processing, erased or destroyed
- Data portability
- claim compensation for damages caused by a breach of the Data Protection regulations; and
- Withdraw consent for special categories by requesting a new pupil information sheet

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office: · 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

Contact

If you would like to discuss anything in this privacy notice, please contact the data protection officer by e-mail (below) or contact the school who will pass your details to the data protection officer.

Bryan Chapman
Chapman Data and Information Services Ltd
dpo@chapmandis.co.uk





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Data Breach Policy

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A personal data breach is a breach of security leading to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This will include breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

It is a security incident that has affected the confidentiality, integrity or availability of personal data. Whenever a security incident takes place, it should be quickly established whether a personal data breach has occurred and, if so, promptly take steps to address it, including informing the ICO if required.

The ICO must be informed if the breach has resulted in a risk to people's rights and freedoms; if this is unlikely then it does not have to be reported. However, if the breach has not been reported then the school should be able to justify this decision.

In assessing if a data breach has created a risk to people's rights and freedoms then Recital 85 of the GDPR should be consulted.

If a data breach has occurred and this has been caused by a member of staff, the member of staff could be required to undertake additional training or this could lead to disciplinary action, including dismissal, depending on the nature of the breach.

Data Breach Process

1. Data Breach reported to either head teacher or school data protection officer. Whichever is informed, they will inform the other with immediate effect.
2. Immediate action taken to contain the breach.
3. Begin completion of the data breach document log by Data Protection Officer.
4. Any actions from data breach document log carried out.
5. Chair of Governors to be informed in a timely manner.
6. Completed data breach document log signed off by both Head Teacher and Data Protection Officer and copies kept by both.

Consent Process

Sought

1. For new pupils a consent form should be given to parents/carers before the child begins at the school.
2. The school adopts a positive opt in approach to its consent. This means that should a parent/carer not return a consent form or leave any aspect of the consent form incomplete then the school will take this as a no.

Recorded

1. When a parent/carer returns their consent form. This information should be entered into your School MIS.
2. The consent form should then be filed away in a secure location for future reference if required.
3. The consent form is being kept owing to it having the parent/carers signature which will allow the school to verify consent should they be challenged.





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Managed

1. Consent will be reviewed annually. For current pupils an updated consent form should be given once a year. By doing this it gives parents/carers a real choice in controlling their consent.
2. If a parent/carer does not return an updated consent form when requested, then point 2 (sought) would apply.
3. The school will ask for very clear and specific consent for information not on the school consent form, should they require it, e.g. one-off events. This will be carried out using the same processes within this document.
4. Any third-party controller who the school seek consent on behalf of will be named.
5. If a parent/carer wishes to withdraw consent, they would contact the school and request a new consent form.
6. This form will be sent out in a timely manner, and the School MIS updated accordingly.
7. The new consent form will be filed with previous versions.
8. Previous versions are being kept owing to them having the parent/carers signature which will allow the school to verify consent should they be challenged.
9. Consent forms will be destroyed in accordance with the school personal data ecosystem.
10. The school will avoid making consent a precondition of a service unless there is a lawful requirement to do so.

