

## Eggbuckland Community College Academy Trust

**Policy:**

GDPR Data Protection Policy

**Author:**

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**Considered by Committee:**

Personnel 9.05.2018

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14.05.2018

**Next Review:**

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## 1. The Legislation

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a privacy and data protection regulation in the European Union (EU) and will be enforceable from 25 May 2018 and requires no enabling legislation, so automatically becomes binding and applicable on that date.

The GDPR imposes new obligations on organisations that control or process relevant personal data and introduces new rights and protections for EU data subjects.

Eggbuckland Community College Academy Trust, ECCAT which includes Eggbuckland Community College, ECC and Austin Farm Primary, AFA is the data controller of the personal information you provide us.

This means that ECCAT determines the purposes for and manner in which any personal data relating to students and their families is to be processed.

In some cases, your data will be outsourced to a third party processor. However, this will only be done with your consent, unless the law requires the Trust to share your data. The third party processor will have the same data protection standards that ECCAT upholds imposed upon the processor.

## 2. Lawful Basis for Data Collection

We collect and use student information to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Students) (England) Regulations 2013

There are 6 lawful bases for processing personal data

- Consent – which should be express, not implied & should be easily understood
- Performance of a contract
- Legal compliance – necessary to comply with the law
- Protection of vital interests – necessary to protect someone's life
- Public task
- Legitimate interests

For ECCAT students, the lawful bases will generally be legal compliance and performance of a public task. For some sensitive data, specific consent will be sought – e.g. biometric fingerprint enrolment for the tills, and photo ID. Where specific consent is sought the Trust will ensure that any forms used to gather data on an individual will contain a statement (fair collection statement) explaining the use of that data, how the data may be disclosed, and also indicate whether or not the individual needs to consent to the processing.

For ECCAT staff, the lawful basis will generally be performance of a contract.

### **3. Compliance**

To comply with various legal obligations, including the obligations imposed on it by GDPR the Trust ensures that information about individuals is collected and used fairly, stored safely and securely, and not disclosed to any third party unlawfully

This policy applies to all staff, students, Trustees and any breach of this policy, or of the regulations will be considered an offence and the Trust's disciplinary procedures will be invoked, or, in the case of Trustees, by reference to the Trust's constitution.

As a matter of best practice, other agencies and individuals working with the Trust who have access to personal information, will be expected to read and comply with this policy.

This policy will be updated as necessary to reflect best practice in data management, security and control and to ensure compliance with any changes or amendments to the GDPR and other relevant legislation.

### **4. Responsibilities under GDPR**

The Principal is responsible for all day-to-day data protection matters, and will be responsible for ensuring that all members of staff and relevant individuals abide by this policy, and for developing and encouraging transparent, proportionate, and secure data and information handling within the Trust.

The Principal is also responsible for ensuring that the Trust's notification is kept accurate. Details of the Trust's notification can be found on the Office of the Information Commissioner's (ICO) website ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)).

Compliance with GDPR is the personal responsibility of all members of the Trust who process personal information. Individuals who provide personal data to the Trust are responsible for ensuring that the information is accurate and up-to-date.

### **5. Data Protection Officer**

Under GDPR the Trust is bound to appoint a Data Protection Officer, who will perform an advisory role in helping the Trust to exercise its responsibilities under the GDPR regulations. Ms Jessica Dann has been appointed to this role.

### **6. Data Protection Principles**

All data within the Trust's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance: <https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

The principles of the GDPR shall be applied to all data processed. The following principles reflect two of the main objectives of GDPR – Privacy by Design and Data Minimisation:-

- Personal data should be processed fairly, lawfully and in a transparent manner.
- Data should be obtained for specified and lawful purposes and not further processed in a manner that is incompatible with those purposes.
- The data should be adequate, relevant and not excessive.
- The data should be accurate and where necessary kept up to date.
- Data should not be kept for longer than necessary.
- Data should be kept secure.

In accordance with the above, the personal data of students and their families is collected and used for the following reasons:

- To support student learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To assess the quality of our service
- To comply with the law regarding data sharing
- To safeguard students

## **7. Data Breach**

GDPR introduces a duty on all organisations to report certain types of personal data breach to the relevant supervisory authority (ICO). Where feasible this must be done within 72 hours of becoming aware of the breach.

When a personal data breach has occurred, the Trust will establish the likelihood and severity of the resulting risk to individual rights and freedoms. Where it is determined that there is a risk, the Trust will report to the ICO and the affected individuals will be informed without undue delay.

Full records will be kept of any personal data breaches, regardless of whether notification to the supervising authority is required.

## **8. Subject Access Rights (SARs)**

Individuals have a right to access any personal data relating to them which are held by the Trust, including information held within their educational record. Requests for information must be made in writing (this includes email) and addressed to the Principal. Any member of staff receiving a SAR should forward this to the Principal. If the initial request does not clearly identify the information required then we may ask you for clarification. When making a request, you may be asked to provide evidence of your identity such as a passport, driving licence, or utility bill.

Information must be provided free of charge; however, a 'reasonable fee' may be charged when a request is manifestly unfounded or excessive, particularly if it is repetitive. A charge may also be made to comply with requests for further copies of the same information.

The Trust will respond to requests within 1 month (irrespective of Trust holidays). However, the 1 month deadline will not commence until receipt of fees or clarification of information has been sought.

## **9. Disclosure of Data**

The Trust undertakes not to disclose personal data to unauthorised third parties, including family members, friends, social networking groups, government bodies, and in some circumstances, the police.

Legitimate disclosures may occur in the following instances:

- the individual has given their consent to the disclosure
- the disclosure has been notified to the Information Commission's Office and is in the legitimate interests of the Trust
- the Trust is legally obliged to disclose the information
- the disclosure is required for the performance of a contract

Where the Trust receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

## **10. Derogation**

Member States can introduce exemptions from the GDPR's transparency obligations and individual rights, but only where the restriction respects the essence of the individual's fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

- national security;
- defence;
- public security;
- the prevention, investigation, detection or prosecution of criminal offences;
- other important public interests, in particular economic or financial interests, including budgetary and taxation matters, public health and security;
- the protection of judicial independence and proceedings;
- breaches of ethics in regulated professions;
- monitoring, inspection or regulatory functions connected to the exercise of official authority regarding security, defence, other important public interests or crime/ethics prevention;
- the protection of the individual, or the rights and freedoms of others; or
- the enforcement of civil law matters.

## **11. Publication of Trust information**

The Trust publishes various items which will include some personal data, e.g.

- internal telephone directory / staff handbook
- event information
- staff information
- lists of students

It may be that in some circumstances an individual wishes their data processed for such reasons to be kept confidential, or restricted to internal Trust access only. Therefore it is the Trust's policy to offer an opportunity to opt-out of the publication of such when collecting the information.

Staff records appertaining to individual staff will remain of a confidential nature between the Principal and the member of staff.

## **12. CCTV**

There are CCTV systems operating within the Trust for the purpose of protecting Trust members and property. The Trust will only process any personal data obtained by the CCTV system in a manner which ensures compliance with the regulations.

## **13. Data Security**

In order to assure the protection of all data being processed, the Trust will continue to monitor and evaluate risks associated with maintaining and processing personal data. Security of data shall be achieved through the implementation of proportionate physical and technical measures. The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall be asked to provide evidence of their competence in the security of shared data.

## **14. Data Retention and Disposal**

Data will be retained and either securely disposed of or archived in accordance with the guidelines specified in following link - [https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016\\_IRMS\\_Toolkit\\_for\\_Schools\\_v5\\_Master.pdf](https://c.ymcdn.com/sites/irms.site-ym.com/resource/collection/8BCEF755-0353-4F66-9877-CCDA4BFEEAC4/2016_IRMS_Toolkit_for_Schools_v5_Master.pdf)

The Trust recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk. All data held in any form of media (paper, tape, electronic) shall only be passed to a disposal partner with demonstrable competence in providing secure disposal services. All data shall be destroyed or eradicated to agreed levels in accordance with recognised national standards.

Staff who are leaving and who have access to personal information, will be required to confirm, before leaving, that any personal information, either staff or student related, will be either erased or anonymised to the Trust's satisfaction, on any devices or storage media which will remain in their possession upon leaving.

## 15. Access to Personal Data

Under data protection legislation, parents, students and staff 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 record, contact Ms Jessica Dann by email [jdann@eggbuckland.com](mailto:jdann@eggbuckland.com).

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, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

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 at <https://ico.org.uk/concerns/>

If you would like to discuss anything in this privacy notice, please contact Vice Principal, Mr S Crawford in the first instance via ECC, or DPO - Ms Jessica Dann by email [jdann@eggbuckland.com](mailto:jdann@eggbuckland.com).

## 16. Useful Links

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

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

For more information about the DfE'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 student information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-student-database-requests-received>

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

To contact the Information Commissioner's Office : <https://ico.org.uk/>

## Appendix A

### Privacy Notice for Students

Eggbuckland Community College Academy Trust, ECCAT which includes Eggbuckland Community College, ECC and Austin Farm Primary, AFA is the data controller of the personal information you provide us.

This means that ECCAT determines the purposes for and manner in which any personal data relating to students and their families is to be processed.

In some cases, your data will be outsourced to a third party processor. However, this will only be done with your consent, unless the law requires the school to share your data. The third party processor will have the same data protection standards that ECCAT upholds imposed upon the processor.

#### The categories of student information that we collect, hold and share include:

- Personal information e.g. name, unique student number and address
- Characteristics e.g. ethnicity, language, nationality, country of birth and free school meal eligibility
- Attendance information e.g. sessions attended, number of absences and absence reasons
- Assessment information
- Relevant medical information
- Special educational needs information
- Exclusions / behavioural information
- Post 16 learning information
- 

#### Why we collect and use this information

We use the student data:

- To support student learning
- To monitor and report on student progress

- To provide appropriate pastoral care
- To assess the quality of our services
- To comply with the law regarding data sharing

#### The lawful basis on which we use this information

We collect and use student information to meet legal requirements and legitimate interests set out in the GDPR and UK law, including those in relation to the following:

- Article 6 and Article 9 of the GDPR
- Education Act 1996
- Regulation 5 of The Education (Information About Individual Students) (England) Regulations 2013

In accordance with the above, the personal data of students and their families is collected and used for the following reasons:

- To support student learning
- To monitor and report on student progress
- To provide appropriate pastoral care
- To assess the quality of our service
- To comply with the law regarding data sharing
- To safeguard students

#### Collecting student information

Whilst the majority of student 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 student information to us or if you have a choice in this.

#### Storing student data

We hold student data in accordance with Appendix C toolkit for schools v5

Who we share student information with

We routinely share student information with:

- Students' destinations upon leaving the school
- The Local Authority
- The NHS
- The Department for Education (DfE)
- The Eggbuckland Community College Academy Trust
- Post 16 providers

#### Why we share student information

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

We share students' 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 students with the (DfE) under regulation 5 of The Education (Information About Individual Students) (England) Regulations 2013.

#### 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>.

## Youth support services

### Students aged 13+

Once our students reach the age of 13, we also pass student information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / student once he/she reaches the age 16.

### Students aged 16+

We will also share certain information about students aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

## The National Student Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about students 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 students 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 Students) (England) Regulations 2013.

The department may share information about our students 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:

- 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 student 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.

## Requesting access to your personal data

Under data protection legislation, parents and students 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 in the first instance, Mr S Crawford at the Trust and then, Ms Jessica Dann by email [jdann@egguckland.com](mailto:jdann@egguckland.com)

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, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

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 at <https://ico.org.uk/concerns/>

## Contact

If you would like to discuss anything in this privacy notice, please contact:

in the first instance, Mr S Crawford at the Trust and then, Ms Jessica Dann by email [jdann@egguckland.com](mailto:jdann@egguckland.com)

## Declaration

### ECCAT Student Privacy Notice Consent Form

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a privacy and data protection regulation in the European Union (EU) and will be enforceable from 25 May 2018 and requires no enabling legislation, so automatically becomes binding and applicable on that date.

The GDPR imposes new obligations on organisations that control or process relevant personal data and introduces new rights and protections for EU data subjects.

Eggbuckland Community College Academy Trust, ECCAT which includes Eggbuckland Community College, ECC and Austin Farm Primary, AFA is the data controller of the personal information you provide us.

This means that ECCAT determines the purposes for and manner in which any personal data relating to students and their families is to be processed.

In some cases, your data will be outsourced to a third party processor. However, this will only be done with your consent, unless the law requires the College to share your data. The third party processor will have the same data protection standards that ECCAT upholds imposed upon the processor. **We would therefore be grateful if you would sign the Declaration below as your <<son>> is under the age of 13 years old.**

Student: <<Forename>> <<LegalSurname>>

Tutor Group : <<reg>>

I declare that <<Forename>> understands:

- Eggbuckland Community College Academy Trust, ECCAT has a legal and legitimate interest to collect and process <<Forename>>'s personal data in order to meet statutory requirements.
- How <<his>> data is used.
- ECCAT may share <<his>> data with the DfE and subsequently the LA.
- ECCAT will not share <<Forename>>'s data to any other third parties without <<his>> consent, unless the law requires the Trust to do so.
- ECCAT will always ask for explicit consent where this is required and <<Forename>> must provide this consent if <<he>> agrees to the data being processed.
- <<Forename>>'s data is retained in line with ECCAT's GDPR Data Protection Policy.
- <<Forename>>'s rights to the processing of <<his>> personal data.
- Where I can find out more information about the processing of <<his>> personal data.

I, the parent/carer of the above student agree to the above as my <<son>> is under the age of 13 years old.

Parent/Carer's Name: <<ParentalAddressee>>

Signed: .....Date.....

## APPENDIX B

### Privacy Notice for Employees, Volunteers, Agency Workers, and Trustees

ECCAT are a data controller for the purposes of the General Data Protection Regulations (GDPR). This means that we are responsible for deciding how we hold and use personal information about you. We are required under data protection legislation to notify you of the information contained in this privacy notice.

This notice applies to current and former employees, volunteers, agency staff, trustees and contractors. This notice does not form part of any contract of employment or other contract to provide services. We may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

#### Data Protection Principles

We will comply with data protection law. This says that the personal information we hold about you must be:

- Used lawfully, fairly and in a transparent way;
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes;
- Relevant to the purposes we have told you about and limited only to those purposes;
- Accurate and kept up to date;
- Kept only as long as necessary for the purposes we have told you about;
- Kept securely;

#### The kind of information that we collect, process, hold and share may include:

- Personal information (such as name, address, payroll and teacher reference number, national insurance number);
- Employment particulars (such as start dates, hours worked, post, roles and salary information including your pension and tax status);
- Absence/attendance information (such as number of absences and reasons);
- Qualifications (and, where relevant, subjects taught);

- Photograph for ID purposes; copy of driving licence either in support of ID and / or for minibus purposes.
- Marital status and dependants, Next of kin and emergency contact information;
- Bank account details, payroll records and tax status information;
- Location of employment or workplace;
- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions;
- Trade Union membership - usually in the context of facility time and where the school acts as a collection agent for Union subscriptions
- Information about your health, including any medical condition, health and sickness records;
- Biometric data;
- Information about criminal convictions and offences;
- Recruitment information (including copies of right to work documentation, references and other information as part of the application process);
- Employment records (including job titles, work history, working hours, training records and professional memberships);
- Performance and appraisal information;
- Disciplinary and grievance information;
- CCTV footage and other information obtained through electronic means such as swipe card records;
- Information about your use of our information and communications systems;

We may also collect, store and use the following “special categories” of more sensitive personal information:

- Information about your race or ethnicity, religious beliefs, sexual orientation.
- Trade Union membership
- Information about your health, including any medical condition, health and sickness records.
- Genetic information and biometric data;
- Information about criminal convictions and offences;

#### Why we collect and use this information

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances, to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed;
- Inform the development of recruitment and retention policies and to make decisions on recruitment, appointments and promotions;
- Determine the terms on which you work for us;
- Check you are legally entitled to work in the UK;
- Pay you and, if you are an employee, deducting tax and National Insurance contributions
- Liaise with your pension provider;
- Administer the contract we have entered into with you;
- Manage and plan for the Trust, including accounting and auditing;
- Conduct performance reviews, manage performance and determine performance requirements;
- Make decisions about salary reviews and compensation;
- Assess qualifications for a particular job or task, including decisions about promotions;
- Gather evidence for possible grievance or disciplinary hearings;
- Make decisions about your continued employment or engagement;
- Make arrangements for the termination of our working relationship;
- Provide education, training and development opportunities;
- Deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work;
- Ascertain your fitness to work and manage your sickness absence
- Comply with health and safety obligations;
- Prevent fraud;
- Support Trust / School governance;
- Monitor your use of our information and communication systems to ensure compliance with our IT policies;
- Ensure network and information security, including preventing unauthorised access to our

computer and electronic communications systems and preventing malicious software distribution;

- Conduct data analytics studies to review and better understand employee retention and attrition rates;
- Allow equal opportunities monitoring

We will use your particularly sensitive personal information in the following ways:

- We will use information relating to leave of absence, which may include sickness absence or family related leave, to comply with employment and other laws;
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits;
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual orientation, to ensure meaningful equal opportunity monitoring and reporting;
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations;

#### **The lawful basis on which we process this information**

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;

We may also use your personal information in the following situations which are likely to be rare:

- Where we need to protect your interests (or someone else's interests);

- Where it is needed in the public interest.

#### **Collecting this information**

We typically collect personal information about employees, workers, governors, trustees and contactors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider. We may sometimes collect additional information from third parties including former employers, credit reference agencies or other background check agencies.

We will collect additional personal information in the course of job-related activities throughout the period of you working for us.

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

#### **If you fail to provide personal information**

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers) or from fulfilling our public duty.

#### **Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law

#### **Retention of your information**

We will only retain your personal information for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements. Details of retention periods for different aspects of your personal

information are available in the school's Data Protection Policy, available on the school website and within the staff handbook.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

In some circumstances we may anonymise your personal information so that it can no longer be associated with you, in which case we may use such information without further notice to you. Once you are no longer an employee, worker, governor, trustee or contractor of the Trust we will retain and securely destroy your personal information in accordance with our Data Protection Policy or applicable laws and regulations.

We will hold your personnel file for a period of 6 years from the date on which your employment with the Trust ended.

#### **Who we share this information with**

We routinely share this information with the following third parties:

- Local Authority
- The Department for Education (DfE)
- HR and Legal providers
- Payroll provider
- Auditors
- Pensions Administrators

The following third party service providers may process your personal information on behalf of the Trust:

- NHS - Occupational Health Referral Service
- Edenred – In respect of Child Care Vouchers
- Cyclescheme

## Why we share school workforce information

We may share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. For example:

- We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments;
- We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment educational attainment;
- We are required to share information about our students with the (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments;

All our third-party service providers and other entities within the Trust are required to take appropriate security measures to protect your personal information in line with our policies. We do not allow our third-party service providers to use your personal data for their own purposes. We only permit them to process your personal data for specified purposes and in accordance with our instructions.

We may transfer your personal information outside the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

## Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Student Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- Conducting research or analysis;
- Producing statistics;
- Providing information, advice or guidance;

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

- 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 securely store and handle the data;

To be granted access to your information, organisations must comply with our 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>

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

## Requesting access to your personal data

Under the GDPR, you have the right to request access to the information that we hold relating to you. To make a request for your personal information, please contact the Vice-Principal in the first instance.

You also have the right to:

- Object to processing of personal data where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground;
- Prevent processing for the purpose of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, restricted, erased or destroyed;
- Request the transfer of your information to another party; and
- Seek compensation for damage you have suffered as a result of a breach of Data Protection Legislation;

If you have a concern about the way we are collecting or using your personal data, we ask that you speak with the Vice-Principal in the first instance, so that any concerns can be fully investigated.

## Data security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a genuine need to know. They will only process your personal information on our instructions and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## Data Protection Officer

If you would like to discuss anything in this privacy notice, please contact the Vice-Principal in the first instance.

We have appointed a data protection officer (DPO) to help us to monitor and review the school's compliance with this privacy notice. If you require any further information about this privacy notice please contact Ms Jessica Dann by email [jdann@egguckland.com](mailto:jdann@egguckland.com)

## **ECCAT Staff, Volunteers, Agency Workers and Trustees Privacy Notice Consent Form**

The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) is a privacy and data protection regulation in the European Union (EU) and will be enforceable from 25 May 2018 and requires no enabling legislation, so automatically becomes binding and applicable on that date.

The GDPR imposes new obligations on organisations that control or process relevant personal data and introduces new rights and protections for EU data subjects.

Eggbuckland Community College Academy Trust, ECCAT which includes Eggbuckland Community College, ECC and Austin Farm Primary, AFA is the data controller of the personal information you provide us.

This means that ECCAT determines the purposes for and manner in which any personal data relating to students and their families is to be processed.

In some cases, your data will be outsourced to a third party processor. However, this will only be done with your consent, unless the law requires the College to share your data. The third party processor will have the same data protection standards that ECCAT upholds imposed upon the processor. We would therefore be grateful if you would sign the Declaration below.

## **Declaration**

Employee Signature : \_\_\_\_\_

I, \_\_\_\_\_,  
Employee/Volunteer/Agency Worker/Trustee  
Name (BLOCK CAPITALS)

declare that I understand:

- Eggbuckland Community College Academy Trust, ECCAT has a legal and legitimate interest to collect and process my personal data in order to meet statutory requirements.
- How that data is used.
- ECCAT may share that data with the DfE, and the LA.
- ECCAT will not share that data to any other third parties without my consent, unless the law requires the Trust to do so.
- ECCAT will always ask for explicit consent where this is required, and I must provide this consent if I agree to the data being processed.
- That data is retained in line with ECCAT's GDPR Data Protection Policy.
- The rights to the processing of that personal data.
- Where I can find out more information about the processing of that personal data.