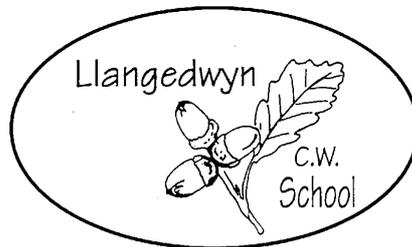


Cyfarwyddiaeth Plant, Teuluoedd a Dysgu Gydol Oes

Children, Families and Lifelong Learning Directorate

Llangedwyn C.I.W. Primary School



Data Protection and GDPR Policy

DATA PROTECTION POLICY

And

General Data Protection Regulations

Llangedwyn CinW Primary School

The school collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Privacy Notice to all pupils/parents, which summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the General Data Protection Regulation (Regulation (EU) 2016/679 of the European Parliament and the European Council) (GDPR) introduced in May 2018, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information/Data?

The GDPR applies to 'personal data' meaning any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (as defined by the Information Commissioner's Office).

The definition above provides for a wide range of personal identifiers to constitute personal data including; name, identification number, location data or online identifier. This reflects changes in technology and the way organisations collect information about people.

Sensitive Personal Data – The school may from time to time need to process sensitive personal data regarding individuals. Sensitive personal data includes information about an individual's physical or mental health, race or ethnic origin, political or religious beliefs, sex life, trade union membership, genetic data and criminal records and proceedings.

Sensitive personal data is given special status under data protection legislation. Explicit consent must be obtained to process this data and the school cannot rely on the legal categories of contractual, legal obligation or public task in the public interest.

Data Protection Principles

The data protection legislation establishes enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully;
2. Personal data shall be obtained only for one or more specified and lawful purposes;
3. Personal data shall be adequate, relevant and not excessive;
4. Personal data shall be accurate and where necessary, kept up to date;
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes;
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998;
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security;
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

Article 5(2) of the GDPR required that we as a data controller, shall be responsible for and be able to demonstrate compliance with the above principles.

The lawfulness of processing.

The School relies on the following legal and lawful basis for processing personal data as set out in Article 6 of the GDPR.

- Consent – the individual has given clear consent for us to process their personal data for a specific purpose.
- Contract – the processing is necessary for a contract we have with the individual or because he/she has asked us to take specific steps before entering into a contract.
- Legal obligation – the processing is necessary for us to comply with the law (not including contractual obligations).
- Vital interests – the processing is necessary to protect someone's life.
- Public task – the processing is necessary for us to perform a task in the public interest or for our official functions and the task or function has a clear basis in law.
- Legitimate interest – the processing is necessary for our legitimate interests or the legitimate interests of a third-party unless there is good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply to us as we are a public authority processing data to perform our official task).

The lawful basis for processing Sensitive Personal Data is set out in Article 9 of the GDPR. At least one of the below must also apply whenever we process Sensitive Personal Data.

- The data subject has given explicit consent to the processing of those personal data for one or more specified purposes;
- Processing is necessary for the purposes of carrying out the obligations of exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law;
- Processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent;
- processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects;
- processing relates to personal data which are manifestly made public by the data subject;
- processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity;
- processing is necessary for reasons of substantial public interest;
- processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services or pursuant to contract with a health professional;
- processing is necessary for reasons of public interest in the area of public health;
- processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes which shall be proportionate to the aim pursued, respect the essence of the right to data

protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary by adhering to a retention schedule.
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Review

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Headteacher, or nominated representative.

Contacts

If you have any enquires in relation to this policy, please contact Mrs Meinir Wyn Morris (Headteacher) who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 03031231113.