HEADLANDS SCHOOL
SINCE 1965

Data Protection Policy Appendix – Appropriate Policy Document

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Headlands School

1. Scope

The Data Protection Act 2018 outlines the requirement for an appropriate policy document to be in place when processing special category and criminal offence data under certain specified conditions.

In order to operate effectively, Headlands School has to process personal information which is listed in Schedule 1 of the Data Protection Act 2018. Almost all of the conditions in Schedule 1 of the Data Protection Act 2018, require an Appropriate Policy Document in place.

Headlands School is committed to demonstrating that its processing of Schedule 1 conditions is compliant with the requirements of the UK General Data Protection Regulation (UK GDPR) Article 5 principles. This Appropriate Policy Document therefore complements the School's record of processing under Article 30 of the UK GDPR and provides special category and criminal offence data with further protection and accountability.

2. Description of processing which requires an appropriate policy document

Schedule 1, Part 1 – Conditions relating to employment, social security and social protection.

Employment, social security and social protection:

- Processing personal data concerning health in connection with our rights under employment law.
- Processing data relating to criminal convictions under Article 10 UK GDPR in connection with our rights under employment law in connection with recruitment, discipline or dismissal.

Schedule 1, Part 2 – Substantial Public Interest Conditions

Statutory etc. and government purposes:

- Fulfilling the school's obligations under UK legislation for the provision of education to school aged children within the East Riding.
- Complying with other legal requirements, such as the requirement to disclose information in connection with legal proceedings.
- We may also process criminal offence data under this condition.

Equality of opportunity or treatment:

- Ensuring compliance with the School's obligations under legislation such as the Equality Act 2010.
- Ensuring that we fulfil our public sector equality duty when carrying out our work.

- Ensuring we provide equal access to our services, to all students in recognition of our legal and ethical duty to represent and serve students.

Preventing or detecting unlawful acts:

- Processing data concerning criminal records in connection with employment in order to reduce the risk to the School and safeguard students and the wider community.
- Disclosing data to support the prevention or detection of unlawful acts

Protecting the public against dishonesty etc.:

- Processing data concerning dishonesty, malpractice or other improper conduct in order to safeguard and protect students and the wider community.
- Carrying out investigations and disciplinary actions relating to our employees.
- Regulatory requirements relating to unlawful acts and dishonesty etc.
- Assisting other agencies in connection with their regulatory requirements.

Support for individuals with a particular disability or medical condition:

- To provide services or raise awareness of a disability or medical condition in order to deliver services to individuals.

Counselling:

- For the provision of confidential counselling, advice or support or of another similar service provided confidentially.

Safeguarding of children and individuals at risk:

- Protecting vulnerable children and young people from neglect, physical, mental or emotional harm.
- Identifying individuals at risk while attending emergency incidents.
- Obtaining further support for children and individuals at risk by sharing information with relevant agencies.

Insurance:

- Information that is necessary for insurance purposes.

Occupational pensions:

- Fulfilling the School's obligation to provide an occupational pension scheme.

Schedule 1, Part 3 – Additional Conditions Relating to Criminal Convictions, etc.

- The School may process personal data relating to criminal convictions in connection with its service obligations or as part of recruitment and employment checks to safeguard and protect students and the wider community against dishonesty.

3. Data Protection Principles

Article 5 of the UK GDPR states that personal data shall be:

- Processed lawfully, fairly and transparently
- Collected for specific and legitimate purposes and processed in accordance with those purposes
- Adequate, relevant and limited to what is necessary for the stated purposes
- Accurate and, where necessary, kept up-to-date
- Retained for no longer than necessary, and
- Kept secure

In addition, Article 5 requires that the data controller shall be responsible for, and able to demonstrate compliance with, these principles (the accountability principle).

Processed lawfully, fairly and transparently

- The School provides clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices and policy documents.
- Our processing for purposes of substantial public interest are necessary to exercise our functions which are outlined in legislation.
- Our processing for the purposes of employment relates to our obligations as an employer.
- We also process special category personal data to comply with other obligations imposed on the School in its capacity as an educational institute e.g. the Equality Act.
- The Senior Leadership Team and Governors oversees policy work and monitors compliance in all areas of Information Governance, as outlined in its terms of reference.
- We carry out data protection impact assessments to ensure processing is fair and lawful.

Collected for specific, explicit and legitimate purposes

- We process personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions, where it is necessary for complying with or assisting another to comply with a regulatory requirement, to establish whether an unlawful or improper conduct has occurred, to protect the public from dishonesty, preventing or detecting unlawful acts or for disclosure to elected representatives.
- We are authorised by law to process personal data for the purposes outlined above.
- We process personal data only when it is necessary and proportionate.
- If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose. We implement data sharing agreements using the Humber Information Sharing Charter.
- We will not process personal data for purposes incompatible with the original purpose it was collected for. If we do use personal data for a new purpose that is compatible, we will inform the data subject first.

Adequate, relevant and limited to what is necessary for processing

- We collect personal data necessary for the relevant purposes and ensure it is not excessive.
- The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.

Accurate and kept up to date with every effort to erase or rectify without delay

- Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified without delay. The School has processes in place to help people do this.
- If we decide not to either erase or rectify it, for example because the lawful basis we rely on to process the data means these rights don't apply, we will document our decision.

Kept in a form such that the data subject can be identified only as long as is necessary for processing.

- All data processed by the School, unless retained longer for archiving purposes, will be retained for the periods set out in our retention schedules. The requirement for retention schedules is outlined in our Records Management and Data Quality Policy.
- We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs.
- Our retention schedule is reviewed regularly and updated when necessary.
- We anonymise data when possible and this is covered in our training program.

Processed in a manner that ensures the appropriate security

- The School will carry out risk assessments taking into account state of the art technical measures, the costs of implementation and the risk/likelihood to individuals if a security breach occurs and the effect of any security breach on the School itself.
- Both the School and its processors shall implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk.
- When assessing appropriate organisational and technical measures, the School Business Manager, Head Teacher and the DPO will consult with other relevant services, such as ICT, Human Resources and Audit.
- Our Senior Leadership Team and Governors meet regularly to ensure suitable information security governance is deployed throughout the School.
- Employees working within the School are to undertake a Disclosure and Barring Service (DBS) check.
- All of our staff are trained in data protection matters and our contracts include confidentiality clauses.
- Technical security controls such as encryption are employed to secure sensitive information within systems.

- Role-based access controls are implemented to restrict access to sensitive data.
- Where possible, anonymisation or pseudonymisation are used to reduce the risk of sensitive data being compromised.

Accountability principle

- The appointment of a Data Protection Officer.
- Taking a 'data protection by design and default' approach to our activities.
- Maintaining documentation of our processing activities.
- We have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high risk processing.
- Regularly reviewing our accountability measures and update or amend them when required.
- The Senior Leadership Team and Governors are responsible for ensuring that the school is compliant with Information Governance duties.
- All staff are routinely trained in key areas, including data protection.

4. Additional special category processing

The School processes special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notices.

5. Evaluation

The appropriate policy document will be subject to an annual review to ensure that it matches service delivery and the information being processed by the School.

6. References

Data Protection Policy
Data Protection Act 2018
General Data Protection Regulation
Crime Directive
Data Protection, Privacy and Electronic Communications Regulations 2019