

Data Protection policy

Policy Reviewed: January 2022
Next Policy Review Date: January 2023

This policy is based on the DfE guidance Data protection: a toolkit for schools Open Beta: Version 1.0 August 2018, (accessed on January 2022).

The policy is written with guidance from <https://www.gdpr.co.uk/blog/the-schools-data-protection-policy> accessed 31st January 2022

Policy Purpose

The aim of this policy is to set out how the Moorland Waldorf school (MWS) complies with Data Protection Act 2018. It is an internal document that outlines the organisation's data protection practices, the expectations placed on staff to support this compliance and the organisation's commitment to preventing data breaches.

The MWS gathers personal data in order to enable the school 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.

Definitions

Data subject: The person that the data relates to.

Personal data: Information relating to a natural identifiable person, whether directly or indirectly

(Data) Controller: The organisation who (either alone or in common with other people or organisations) determine the purpose for which, and the manner in which data are processed, in the case of this policy the Moorland Waldorf School.

(Data) Processor: A person or organisation who process data on behalf of and on the orders of a controller.

Special category data: These are highly sensitive pieces of information about people. They are important because under GDPR they are afforded extra protection in terms of the reasons you need to have to access and process that information. Defined under Special category data is data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, health, trade-union membership, and health or sex life. Data relating to criminal offences is also afforded similar special protection.

The scope

We collect personal data relating to pupils, staff, parents and potentially others. We collect personal data and special category data.

We collect personal data about parents and children to provide care and learning that is tailored to meet the child's individual needs. We also collect information in order to verify parent's eligibility for funded childcare as applicable.

Personal details that we collect about pupils include:

- child's name, date of birth, address, health and medical needs, development needs, and any special educational needs.

Where applicable we will obtain child protection plans from social care and health care plans from health professionals.

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We will also ask for information about who has parental responsibility for the pupil and any court orders pertaining pupils.

Personal details that we collect about parents include:

- Name, home and work address, phone numbers, emergency contact details, and family details.

This information will be collected from parents directly in the registration form.

If parents apply for up to 30 hours funded childcare, we will also collect:

- The parents' national insurance number or unique taxpayer reference (UTR). We may also collect information regarding benefits and family credits that parents are in receipt of.

Personal details that we collect about staff include:

- Name, home and work address, phone numbers, emergency contact details, and family details
- Training certificates

Data processing principles

We record and share personal data according to the principles of the 2018 GDPR Privacy Principles, that is to say:

- There must be a lawful reason for collecting data and it must be done in a **fair and transparent way**.
- Data must only be used for **specified, explicit and legitimate purposes**
- The information collected should be **limited to what is necessary**
- The information should be **accurate and kept up to date**
- The information must not be **kept for no longer than necessary**
- Integrity and confidentiality – appropriate technical and organisational measures to **ensure the security of the personal data**

The MWS 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

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

We have a designated lead on data compliance. This is currently our Chair of Governors, Linda Parker, with day-to-day administrative compliance matters delegated to Claire Kilvert-Jones, MWS Office Administrator.

We train existing staff on data protection on a regular basis and from 2019 onwards this will be part of any induction programme for new staff.

Data Subjects Rights

1. The right to be informed

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2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object
8. The Right to Avoid Automated Decision-Making.

1. The right to be informed

MWS will inform parents / carers of pupils of the data they hold on the pupils, the purposes for which the data is held and the third parties. A Privacy Notice is given to parents at the point of registration. MWS notifies staff at appointment that the school collects and processes personal data.

2. The right of access

Data subjects may make subject access requests (“SARs”) at any time to find out more about the personal data which the MWS holds about them, what it is doing with that personal data, and why. Data subjects wishing to make a SAR may do so in writing addressed to Claire Kilvert-Jones, Moorland Waldorf School, Village College, Botton, Whitby YO21 2NJ.

Responses to SARs shall normally be made within one month of receipt. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.

3. Right to rectification

Data subjects have the right to require the school to rectify any of their personal data that is inaccurate or incomplete. The school shall rectify the personal data in question, and inform the data subject of that rectification, within one month of the data subject informing the Society of the issue. In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal data.

4. Right to erasure

Data subjects have the right to request that the MWS erases the personal data it holds about them in the following circumstances:

1. It is no longer necessary for the school to hold that personal data with respect to the purpose(s) for which it was originally collected or processed;
2. The data subject wishes to withdraw their consent to the school holding and processing their personal data;
3. The data subject objects to the school holding and processing their personal data (and there is no overriding legitimate interest to allow the school to continue doing so)
4. The personal data has been processed unlawfully;
5. The personal data needs to be erased in order for the school to comply with a particular legal obligation.

Unless the MWS has reasonable grounds to refuse to erase personal data, all requests for erasure shall be complied with, and the data subject informed of the erasure, within one month of receipt of the data subject’s request. The period can be extended by up to two months in the case of complex requests. If such additional time is required, the data subject shall be informed.

In the event that any personal data that is to be erased in response to a data subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

5. The right to restrict processing

Data subjects may request that the MWS ceases processing the personal data it holds about them. If a data subject makes such a request, the school shall retain only the amount of personal data concerning that data subject (if any) that is necessary to ensure that the personal data in question is not processed further.

In the event that any affected personal data has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

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. Where data subjects have given their consent to the MWS to process their personal data in such a manner, or the processing is otherwise required for the performance of a contract between the school and the data subject, data subjects have the right, under the GDPR, to receive a copy of their personal data and to use it for other purposes (namely transmitting it to other data controllers).

To facilitate the right of data portability, the MWS shall make available all applicable personal data to data subjects in the following format:

1. Electronically.
2. Printed.
3. Where technically feasible, if requested by a data subject, personal data shall be sent directly to the required data controller.

7. The right to object

Data subjects have the right to object to the MWS processing their personal data based on legitimate interests, direct marketing (including profiling), and processing for scientific and/or historical research and statistics purposes.

8. The Right to Avoid Automated Decision-Making

We do not make any decisions about any data subject based solely on automated decision-making.

Protecting personal data

We protect unauthorised access to your personal data and prevent it from being lost, accidentally destroyed, misused or disclosed by;

- Encrypting all electronic databases containing personal data
- Keeping all paper files in a locked cabinet in a locked office with limited personnel access

Sharing personal data

In order for us to deliver childcare services we will share personal data as required with the following categories of recipients:

- Ofsted – during an inspection or following a complaint about our service
- banking services to process chip and pin and/or direct debit payments (as applicable)
- the Local Authority (where you claim up to 30 hours funded childcare as applicable)
- the government’s eligibility checker (as above)
- our insurance underwriter (if applicable)
- our setting software management provider (if applicable)
- the school that pupils will attend after MWS

We will also share personal data if:

- we are legally required to do so, for example, by law, by a court or the Charity Commission;
- to enforce or apply the terms and conditions of a contract with us
- to protect a child and other children; for example by sharing information with social care or the police;
- it is necessary to protect our/or others rights, property or safety
- we transfer the management of the setting, in which case we may disclose personal data to the prospective buyer so they may continue the service in the same way.

We will never share personal data with any other organisation to use for their own purposes

Endorsement:

Name: Sara Lucassen

Position: Trustee of ECTE

Date: 31/1/2022