

# Surlingham Primary School



**Review: Summer 2016**  
**Next Review: Summer 2018**

## **1. Introduction**

Surlingham 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 purposes. How we use this information is contained in our School Privacy Statement.

The School is a Data Controller. A Data Controller is defined as 'A person or organisation that determines the purposes and the means of processing of personal data'. The school is registered as a Data Controller with the ICO under the overall Sapientia Education Trust (SET) ICO registration (ZA209590).

## **2. Data Protection Officer**

The Trust's Data Protection Officer (DPO) is Sian Durrant and is contactable via Schools' Choice Data Protection Service [data.protection@schoolschoice.org](mailto:data.protection@schoolschoice.org). Data Protection Service Lead, Schools' Choice, Endeavour House, 8 Russell Road, Ipswich, IP1 2BX. Tel: 01473 260741

The DPO is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the SET Board and, where relevant, report to the board their advice and recommendations on school data protection issues.

## **3. Data Protection Principles**

The General Data Protection Regulation (GDPR) is based on data protection principles that Surlingham must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

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## **4. Collecting personal data**

### **4.1 Lawfulness, fairness and transparency**

The terms under which Surlingham processes data is laid out in the school Privacy Notice which is displayed on our website.

### **4.2 Limitation, minimisation and accuracy**

Surlingham will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

## **5. Subject access requests and other rights of individuals**

### **5.1 Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that Surlingham holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests must be submitted in writing, either by letter, email or fax to the Headteacher in the format at Annex A.

### **5.2 Children and subject access requests**

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Primary schools:

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access

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requests from parents or carers of pupils may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

### **5.3 Other data protection rights of the individual**

In addition to the right to make a subject access request (see above), and to receive information when the school are collects their data about how they use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to the Headteacher.

### **6. Parental requests to see the educational record**

Parents who may wish to see the educational record of their son or daughter are to contact the Headteacher in the first instance.

### **7. Photographs and videos**

As part of our school activities, we may take photographs and record images of individuals within their school. In order to use pupil images we seek permission from parents that make clear what such images may be used for.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

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### **9. Links with other policies**

This data protection policy is linked to the following policies:

- ICT Code of Conduct for staff and pupils
- ICT Acceptable Use Agreement
- Staff Code of Conduct
- Pupil Code of Conduct
- Safeguarding Policy

### **10. Complaints**

Complaints will be dealt with accordance with the School's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner.

### **11. Review**

This policy will be reviewed as it is deemed appropriate, but every 2 years as a minimum.

### **12. Contacts**

Any enquiries in relation to this policy, should be addressed to the Headteacher.

Further advice and information is available from the Information Commissioner's Office:  
[www.ico.gov.uk](http://www.ico.gov.uk)

## **SUBJECT ACCESS REQUEST**

### **Law relating to this document**

#### **Leading statutory authority**

General Data Protection Regulation (2016/679 EU)

The General Data Protection Regulation (GDPR) allows individuals to access information from organisations that process their personal data. The process for obtaining this information is known as a subject access request (sometimes referred to as a SAR or DSAR).

In response to a subject access request, the school must provide the following information:

- whether or not the individual's personal data is being processed;
- the purposes of the processing and the categories of personal data concerned;
- the recipients to whom the data has been or will be disclosed, including recipients in countries outside the European Economic Area and the appropriate safeguards relating to such data transfers;
- for how long the data will be stored, or how that period is determined;
- the individual's rights in relation to the rectification or erasure of data, the restriction of processing and to object to processing;
- the individual's right to lodge a complaint with the supervisory authority;
- any third-party sources of the data, where this information is available; and
- information about the logic involved in any automated decision-making, if applicable.

The school will provide the individual with a copy of the personal data undergoing processing. If the subject access request is made electronically, the information has to be provided in a commonly used electronic format, unless the individual agrees to receive it in some other way.

Individuals can make a subject access request through any format but is requested that individuals who wish to make a subject access request do so using the form below. However, although the school provides a form to assist with responding to subject access requests, it will still respond to requests that are made through other formats, such as email.

The school is not required to comply with a subject access request if they cannot identify the individual. Therefore we may also need to verify the individual's identity to ensure that personal data is not inadvertently disclosed to a third party.

Under the GDPR, the time limit for responding to a subject access request is one month from the date of receipt. However, if a request is complex, the school can extend the time period for response by a further two months.

## **SUBJECT ACCESS REQUEST FORM**

**NOTE:** The wording in this document reflects the requirements of the General Data Protection Regulation (GDPR)

<b>Name:</b>
<b>Daytime telephone number:</b>
<b>Email:</b>
<b>Address:</b>
<b>Employee number (if appropriate):</b>
By completing this form, you are making a request under the General Data Protection Regulation (GDPR) for information held about you by the organisation that you are eligible to receive.
<b>Required information (and any relevant dates):</b>  [Example: Emails between "A" and "B" from 1 May 2017 to 6 September 2017.]
By signing below, you indicate that you are the individual named above. The school cannot accept requests regarding your personal data from anyone else, including family members. We may need to contact you for further identifying information before responding to your request. You confirm that you are the individual named and will fully indemnify us for all losses, cost and expenses if you are not.  Please return this form to the Headteacher.  Please allow [28] days for a reply.
<b>Data subject's signature:</b>
<b>Date:</b>

## **REQUESTS UNDER THE FREEDOM OF INFORMATION ACT**

Under the Freedom of Information Act 2000 the school has a responsibility to make certain information available to parents and members of the public.

### **Who to write to and how**

Requests for information should be made to the Headteacher. Requests can be by:

- letter
- email

### **What to include**

You should give:

- your name (not needed if requesting environmental information)
- a contact address
- a detailed description of the information you want - for example, you might want all information held on a subject, or just a summary

You can ask for information in a particular format, such as:

- paper or electronic copies of information
- audio format
- large print

### **When you will get a response**

You should get the information within 20 working days. The School will tell you when to expect the information if they need more time.

### **Costs**

Most requests are free but you might be asked to pay a small amount for photocopies or postage. You'll be told by the School if you have to pay anything.