
DATA PROTECTION POLICY

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ANNEX

DEFINITIONS OF TERMS

Term	Definition
Adequate protection	If the country the personal data is being transferred to is outside the EEA the automatic assumption is that it does not offer adequate protection unless the European Commission has assessed their adequacy already. There is a list of those countries that have been assessed and awarded adequate protection status. The DPO must be consulted before any personal data is transferred to a third country.
Consent	Is fully informed and freely given. It's specific to the circumstances and involves a positive indication of the wishes of the data subject (opt in). Data subject has the right to withdraw consent easily at any time. Proof of consent is required. Consent where a data subject is co-erced or there is effectively no choice is not consent.
Data	Information which is stored electronically, on a computer, or in certain paper-based filing systems
Data Subjects	For the purpose of this policy includes all living individuals about whom we hold personal data. This includes students, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information
Personal Data	Means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or, to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person
Data Controllers	Are the people who or organisations which, determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes
Data Users	Are those of our workforce (including Governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times
Data Processors	Include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions

Information Society Services	Information society services are online services directed at children and examples include shops, live or on-demand streaming services, and companies providing access to communication networks and alike.
Legitimate Interests	Data Protection Officer's advice must be sought at all times if relying on this legal ground for processing personal data. Decisions like this need to be documented because the ICO will want to know how and why we came to a decision to process information under this legal ground, should they receive a complaint.
Processing	Is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties
Special Category Personal Data	Includes information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data
Substantial Public Interest	Includes where the processing is necessary for the administration of justice and parliamentary purposes, equal opportunities and treatment, preventing or detecting unlawful acts, journalism in connection with acts of dishonesty, preventing fraud or money laundering.
Vital Interests	Usually only life and death situations.
Workforce	Includes, any individual employed by or contracted to College such as staff and those who volunteer in any capacity including Governors and parent helpers.

1. Policy statement

- 1.1 Everyone has rights with regard to the way in which their **personal data** is handled. During the course of our activities as a College we will collect, store and **process personal data** about our students, **workforce**, parents and others. This makes us a **data controller** in relation to that **personal data**.
- 1.2 We are committed to the protection of all **personal data** and **special category personal data** for which we are the **data controller**.
- 1.3 The law imposes significant fines for failing to lawfully **process** and safeguard **personal data** and failure to comply with this policy may result in those fines being applied.
- 1.4 All members of our **workforce** must comply with this policy when **processing personal data** on our behalf. Any breach of this policy may result in disciplinary or other action.

2 About this policy

- 2.1 The types of **personal data** that we may be required to handle include information about students, parents, our **workforce**, and others that we deal with. The **personal data** which we hold is subject to certain legal safeguards specified in the UK General Data Protection Regulation ('**GDPR**'), the Data Protection Act 2018, and other regulations (together '**Data Protection Legislation**').
- 2.2 This policy and any other documents referred to in it, set out the basis on which we will **process** any **personal data** we collect from **data subjects**, or that is provided to us by **data subjects** or other sources.
- 2.3 This policy does not form part of any employee's contract of employment and may be amended at any time.
- 2.4 This policy sets out rules on data protection and the legal conditions that must be satisfied when we process **personal data**.

3 Definition of data protection terms

- 3.1 All defined terms in this policy are indicated in **bold** text, and a list of definitions is included in the Annex to this policy.

4 Other policies, procedures and documents related to this policy

- 4.1 CCTV Policy
- 4.2 Data Retention and Destruction Policy
- 4.3 Workforce Privacy Notice
- 4.4 Student Privacy Notice
- 4.5 Recruitment Privacy Notice
- 4.6 Governor Privacy Notice

- 4.7 Parent/ Carer Privacy Notice
- 4.8 Workforce Consent Forms
- 4.9 Student Consent Forms
- 4.10 IT Acceptable Use Policy (staff)
- 4.11 IT Acceptable Use Policy (students)
- 4.12 Subject Access Request Procedures
- 4.13 Other Data Subject Rights Procedures
- 4.14 Data Breach Reporting Procedures
- 4.15 Data Sharing Procedures

5 **Data Protection Officer**

- 5.1 As a College we are required to appoint a Data Protection Officer (“DPO”). Our DPO can be contacted at DPO@collingwood.surrey.sch.uk
- 5.2 The DPO is responsible for ensuring compliance with the Data Protection Legislation and with this policy. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the DPO.

6 **The DPO is also the central point of contact for all data subjects and others in relation to matters of data protection. Data protection principles**

- 6.1 Anyone **processing personal data must** comply with the data protection principles. These provide that **personal data** must be:
 - 6.1.1 **Processed** fairly and lawfully and transparently in relation to the **data subject**;
 - 6.1.2 **Processed** for specified, lawful purposes and in a way which is not incompatible with those purposes;
 - 6.1.3 Adequate, relevant and not excessive for the purpose;
 - 6.1.4 Accurate and up to date;
 - 6.1.5 Not kept for any longer than is necessary for the purpose; and
 - 6.1.6 **Processed** securely using appropriate technical and organisational measures.
- 6.2 **Personal Data** must also:
 - 6.2.1 be **processed** in line with **data subjects'** rights;
 - 6.2.2 not be transferred to people or organisations situated in other countries without **adequate protection**.

6.3 We will comply with these principles in relation to any **processing of personal data** by the College.

7 Fair and lawful processing

7.1 Data Protection Legislation is not intended to prevent the **processing of personal data**, but to ensure that it is done fairly and without adversely affecting the rights of the **data subject**.

7.2 For **personal data** to be **processed** fairly, **data subjects** must be made aware:

7.2.1 that the **personal data** is being **processed**;

7.2.2 the categories of **personal data** being processed;

7.2.3 why the **personal data** is being **processed**;

7.2.4 what the lawful basis is for that **processing** (see below);

7.2.5 whether the **personal data** will be shared, and if so with whom;

7.2.6 the period for which the **personal data** will be held;

7.2.7 the existence of the **data subject's** rights in relation to the **processing** of that **personal data**; and

7.2.8 the right of the **data subject** to raise a complaint with the Information Commissioner's Office in relation to any **processing**.

7.3 We will only obtain such **personal data** as is necessary and relevant to the purpose for which it is gathered, and will ensure that we have a lawful basis for any **processing**.

7.4 For **personal data** to be **processed** lawfully, it must be **processed** on the basis of one of the legal grounds set out in Data Protection Legislation. We will normally **process personal data** under the following legal grounds:

7.4.1 where the **processing** is necessary for the performance of a contract between us and the **data subject**, such as an employment contract;

7.4.2 where the **processing** is necessary to comply with a legal obligation that we are subject to, (e.g the Education Act 2011);

7.4.3 where the processing is necessary in the vital interests of the data subject;

7.4.4 where the law otherwise allows us to **process** the **personal data** or we are carrying out a task in the **public interest**; and

7.4.5 where none of the above apply, we may process the personal data if it is in the **legitimate interests** of College or third party who we share the personal data with, except where there is unwarranted prejudice to the legitimate interests of the **data subject**; or

7.4.6 we will seek the consent of the **data subject** to the **processing** of their **personal data**.

- 7.4.7 If the College is relying on the legal ground set out in 7.4.5 or 7.4.6, the DPO must be consulted and appropriate records kept.
- 7.5 When **special category personal data** is being processed, an additional legal ground must apply to that processing. We will normally only **process special category personal data** under following legal grounds:
- 7.5.1 where the **processing** is necessary for employment law purposes, for example in relation to sickness absence;
- 7.5.2 where the **processing** is necessary for reasons of **substantial public interest**, for example for the purposes of equality of opportunity and treatment;
- 7.5.3 where the **processing** is necessary for health or social care purposes, for example in relation to students with medical conditions or disabilities; and
- 7.5.4 where none of the above apply then we will seek the consent of the **data subject** to the **processing** of their **special category personal data**.
- 7.6 We will inform **data subjects** of the above matters by way of appropriate privacy notices which shall be provided to them when we collect the data or as soon as possible thereafter, unless we have already provided this information such as at the time when a student or member of staff joins us.
- 7.7 If any member of our **workforce** is in doubt as to whether they can use any **personal data** for any purpose then they must contact the DPO for advice before doing so.

Vital Interests

- 7.8 There may be circumstances where it is considered necessary to **process personal data** or **special category personal data** in order to protect the **vital interests** of a **data subject**. This might include medical emergencies where the **data subject** is not in a position to give consent to the **processing**. We believe that this will only occur in very specific and limited circumstances. In such circumstances we would usually seek to consult with the DPO in advance, although there may be emergency situations where this does not occur.

Consent

- 7.9 Where none of the other bases for **processing** set out above apply then the College must seek the **consent** of the **data subject** before **processing** any **personal data** for any purpose.
- 7.10 There are strict legal requirements in relation to the form of consent that must be obtained from **data subjects**.
- 7.11 When students and/ or our **workforce** join the College they will be required to complete a **consent** form. This **consent** form deals with the taking and use of photographs and videos of them, amongst other things. Where appropriate third parties may also be required to complete a **consent** form.

- 7.12 For students who are in Years 7 and 8 and those with Special Educational Needs, we will seek **consent** from an individual with parental responsibility.
- 7.13 We will generally seek **consent** directly from students who are in Year 9 or above, however we recognise that this may not be appropriate in certain circumstances and therefore may be required to seek **consent** from an individual with parental responsibility.
- 7.14 If **consent** is required for the **processing of personal data** of any **data subject** then the form of this **consent** must:
- 7.14.1 Inform the **data subject** of exactly what we intend to do with their **personal data**;
 - 7.14.2 Require them to positively confirm that they **consent** – we cannot ask them to opt-out rather than opt-in; and
 - 7.14.3 Inform the **data subject** of how they can withdraw their **consent**.
- 7.15 Any **consent** must be freely given, which means that we cannot make the provision of any goods or services or other matter conditional on a **data subject** giving their **consent**.
- 7.16 The DPO must always be consulted in relation to any **consent** form relating to **processing personal data** before **consent** is obtained. This is to ensure that the consent form is compliant with the data protection legislation.
- 7.17 A record must always be kept of any **consent**, including how it was obtained and when.

8 **Processing for limited purposes**

- 8.1 In the course of our activities as a College, we may collect and **process** the **personal data** set out in our Article 30 register. This may include **personal data** we receive directly from a **data subject** (for example, by completing forms or by corresponding with us by mail, phone, email or otherwise) and **personal data** we receive from other sources (including, for example, local authorities, other schools or Colleges, parents, other students or members of our **workforce**).
- 8.2 We will only **process personal data** for the specific purposes set out in our Article 30 register or for any other purposes specifically permitted by data protection legislation or for which specific **consent** has been provided by the **data subject**.

9 **Notifying data subjects**

- 9.1 If we collect **personal data** directly from **data subjects**, we will inform them about:
- 9.1.1 our identity and contact details as a **Data Controller** and those of the DPO;
 - 9.1.2 The categories of **personal data** that we are processing
 - 9.1.3 the purpose or purposes and legal basis for which we intend to **process that personal data**;

- 9.1.4 the types of third parties, if any, with which we will share or to which we will disclose that **personal data**;
 - 9.1.5 whether the **personal data** will be transferred outside the European Economic Area ('**EEA**') and if so the safeguards in place;
 - 9.1.6 the period for which their **personal data** will be stored, by reference to our Data Retention and Destruction Policy;
 - 9.1.7 the existence of any automated decision making in the **processing** of the **personal data** along with the significance and envisaged consequences of the **processing** and the right to object to such decision making; and
 - 9.1.8 the rights of the **data subject** to object to or limit processing, request information, request deletion of information or lodge a complaint with the ICO.
- 9.2 Unless we have already informed **data subjects** that we will be obtaining information about them from third parties (for example in our privacy notices), if we receive **personal data** about a **data subject** from other sources, we will provide the **data subject** with the above information as soon as possible thereafter, informing them of where the **personal data** was obtained from.
- 10 **Adequate, relevant and non-excessive processing**
- 10.1 We will only collect **personal data** to the extent that it is required for the specific purpose notified to the **data subject**, unless otherwise permitted by data protection legislation.
- 11 **Accurate data**
- 11.1 We will ensure that **personal data** we hold is accurate and kept up to date.
 - 11.2 We will take reasonable steps to destroy or amend inaccurate or out-of-date data.
 - 11.3 **Data subjects** have a right to have any inaccurate **personal data** rectified. See further below in relation to the exercise of this right.
- 12 **Timely processing**
- 12.1 We will not keep **personal data** longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all **personal data** which is no longer required. For more information relating to this you should refer to the College's Data Retention and Destruction Policy.
- 13 **Processing in line with data subject's rights**
- 13.1 We will **process** all **personal data** in line with **data subjects'** rights (unless there is an exemption), in particular their right to:
 - 13.1.1 request access to any **personal data** we hold about them otherwise known as a Subject Access Request (SAR);

- 13.1.2 object to the **processing** of their **personal data**, including the right to object to direct marketing;
- 13.1.3 have inaccurate or incomplete **personal data** about them rectified;
- 13.1.4 restrict **processing** of their **personal data**;
- 13.1.5 have **personal data** we hold about them erased
- 13.1.6 have their **personal data** transferred; and
- 13.1.7 object to the making of decisions about them by automated means.
- 13.1.8 The DPO will ascertain whether there is an exemption.

The Right of Access to Personal Data

- 13.2 **Data subjects** may request access to all **personal data** we hold about them. Such requests will be considered in line with the College's Subject Access Request Procedure. Subject Access Requests do not have to be in writing and all should be sent to the DPO as soon as they are received.

The Right to Object

- 13.3 In certain circumstances **data subjects** may object to us **processing** their **personal data**. This right may be exercised in relation to **processing** that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task carried out in the public interest.
- 13.4 An objection to **processing** does not have to be complied with where the College can demonstrate compelling legitimate grounds which override the rights of the **data subject**.
- 13.5 Such considerations are complex and must always be referred to the DPO upon receipt of the request to exercise this right.
- 13.6 In respect of direct marketing any objection to **processing** must be complied with.
- 13.7 The College is not however obliged to comply with a request where the **personal data** is required in relation to any claim or legal proceedings.

The Right to Rectification

- 13.8 If a **data subject** informs the College that **personal data** held about them by the College is inaccurate or incomplete then we will consider that request and provide a response within one month.
- 13.9 If we consider the issue to be too complex to resolve within that period then we may extend the response period by a further two months. If this is necessary then we will inform the **data subject** within one month of their request that this is the case.
- 13.10 We may determine that any changes proposed by the **data subject** should not be made. If this is the case then we will explain to the **data subject** why this is the case. In those circumstances we will inform the **data subject** of their right

to complain to the Information Commissioner's Office at the time that we inform them of our decision in relation to their request.

13.11 The DPO must be consulted in relation to requests under this right.

The Right to Restrict Processing

13.12 **Data subjects** have a right to "block" or suppress the **processing of personal data**. This means that the College can continue to hold the **personal data** but not do anything else with it.

13.13 The College must restrict the **processing of personal data**:

13.13.1 Where it is in the process of considering a request for **personal data** to be rectified (see above);

13.13.2 Where the College is in the process of considering an objection to processing by a **data subject**;

13.13.3 Where the **processing** is unlawful but the **data subject** has asked the College not to delete the **personal data**; and

13.13.4 Where the College no longer needs the **personal data** but the **data subject** has asked the College not to delete the **personal data** because they need it in relation to a legal claim, including any potential claim against the College.

13.14 If the College has shared the relevant **personal data** with any other organisation then we will contact those organisations to inform them of any restriction, unless this proves impossible or involves a disproportionate effort.

13.15 The DPO must be consulted in relation to requests under this right.

The Right to Be Forgotten

13.16 **Data subjects** have a right to have **personal data** about them held by the College erased only in the following circumstances:

13.16.1 Where the **personal data** is no longer necessary for the purpose for which it was originally collected;

13.16.2 When a **data subject** withdraws consent – which will apply only where the College is relying on the individual's consent to the **processing** in the first place;

13.16.3 When a **data subject** objects to the **processing** and there is no overriding **legitimate interest** to continue that **processing** – see above in relation to the right to object;

13.16.4 Where the **processing** of the **personal data** is otherwise unlawful;

13.16.5 When it is necessary to erase the **personal data** to comply with a legal obligation; and

- 13.16.6 If the College offers information society services to a student and consent is withdrawn in respect of that student in relation to those services.
- 13.17 The College is not required to comply with a request by a **data subject** to erase their **personal data** if the **processing** is taking place:
- 13.17.1 To exercise the right of freedom of expression or information;
 - 13.17.2 To comply with a legal obligation for the performance of a task in the **public interest** or if any other lawful reason to process the **personal data** exists;
 - 13.17.3 For public health purposes in the **public interest**;
 - 13.17.4 For archiving purposes in the **public interest**, research or statistical purposes; or
 - 13.17.5 In relation to a legal claim
- 13.18 If the College has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this proves impossible or involves a disproportionate effort.
- 13.19 The DPO must be consulted in relation to requests under this right.

Right to Data Portability

- 13.20 In limited circumstances a **data subject** has a right to receive their **personal data** in a machine readable format, and to have this transferred to another organisation.
- 13.21 If such a request is made then the DPO must be consulted.

14 Data security

- 14.1 We will take appropriate security measures against unlawful or unauthorised processing of **personal data**, and against the accidental loss of, or damage to, **personal data**.
- 14.2 We will put in place procedures and technologies to maintain the security of all **personal data** from the point of collection to the point of destruction. The DPO will issue separate guidance in relation to this and distribute it to all staff.
- 14.3 Any member of staff found to be in breach of the agreed security measures and/or not following the guidance issued by the DPO may be subject to disciplinary action.

15 Data Protection Impact Assessments

- 15.1 The College takes data protection very seriously and will consider and comply with the requirements of data protection legislation in relation to all of its activities whenever these involve the use of **personal data**, in accordance with the principles of data protection by design and default.

- 15.2 In certain circumstances the law requires us to carry out detailed assessments of proposed **processing**. This includes where we intend to use new technologies which might pose a high risk to the rights of **data subjects** because of the types of data we will be **processing** or the way that we intend to do so.
- 15.3 The College will complete an assessment of any such proposed **processing** and has a template document which ensures that all relevant matters are considered.
- 15.4 The DPO should always be consulted as to whether a data protection impact assessment is required, and if so how to undertake that assessment.

16 **Disclosure and sharing of personal information**

- 16.1 We may share **personal data** that we hold about **data subjects**, sometimes without their **consent**, with other organisations. Such organisations include the Department for Education and Education and Skills Funding Agency ESFA, Ofsted, health authorities and professionals, the Local Authority, examination bodies, other schools and Colleges, and other organisations where we have a lawful basis for doing so.
- 16.2 The College will inform **data subjects** of any sharing of their **personal data** unless we are not legally required to do so.
- 16.3 In some circumstances we will not share safeguarding information. Please refer to our Child Protection Policy.

17 **Data Processors**

- 17.1 We contract with various organisations who provide services to the College, such as payroll providers, HR and employment law service providers, catering service providers.
- 17.2 In order that these services can be provided effectively we are required to transfer **personal data** of **data subjects** to these **data processors**.
- 17.3 **Personal data** will only be transferred to a **data processor** if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures themselves to the satisfaction of the College. The College will always undertake due diligence of any **data processor** before transferring the **personal data** of **data subjects** to them.
- 17.4 Contracts with **data processors** will comply with data protection legislation and contain explicit obligations on the **data processor** to ensure compliance with the legislation, and compliance with the rights of **Data Subjects**.

18 **Images and Videos**

- 18.1 Parents and others attending College events are allowed to take photographs and videos of those events for domestic purposes. For example, parents can take video recordings of a College performance involving their child. The College does not prohibit this as a matter of policy.

18.2 The College does not however agree to any such photographs or videos being used for any other purpose, but acknowledges that such matters are, for the most part, outside of the ability of the College to prevent.

18.3 As a College we want to celebrate the achievements of our students and therefore may want to use images and videos of our students within promotional materials, or for publication in the media such as local, or even national, newspapers covering College events or achievements. We will seek the consent of students, and their parents where appropriate, before allowing the use of images or videos of students for such purposes.

19 **CCTV**

19.1 The College operates a CCTV system. Please refer to the College CCTV Policy.

20 **Changes to this policy**

We may change this policy at any time. Where appropriate, we will notify **data subjects** of those changes.