



DATA PROTECTION POLICY

Title	Data Protection Policy
Owner	Headteacher and Schools Data Protection Officer
Version Number	4
Review Frequency	Every 2 years
Current Review	Completed October 2021 and August 2022
Review Due	August 2024

INTRODUCTION

This document sets out Somerville Nursery policy regarding Data Protection; it is based on The Data Protection Act 2018 and incorporates UK GDPR. This policy will be reviewed and revised every 2 years or earlier if legislation changes. The purpose of The Act is to regulate the way that personal information about living individuals is obtained, stored, used and disclosed.

The Act means individuals have specific rights in relation to their personal data, these rights are defined under 8 specific areas:-

1. The Right to be Informed – What does this mean?

The School must be as transparent as possible with you by providing information 'in a concise, transparent, intelligible and easily accessible form, using clear and plain language'. Our privacy notice is regularly reviewed and updated as required, it demonstrates to you how personal data is handled (see school website)

2. The Right of Access – What does this mean?

You have the right to access your personal information except where:

- It contains confidential information about other people and the School has to balance the rights of other individuals
- Includes information a care professional thinks will cause serious harm to you or someone else's physical or mental wellbeing

- It is Information which may prejudice an investigation if disclosed

3. The Right to Rectification – What does this mean?

You have the right without undue delay to request the rectification or updating of inaccurate personal data. This ensures the school has the most up to date personal data.

4. The Right to Restrict Processing – What does this mean?

You can ask for a restriction of processing, such as where the accuracy of the personal data is contested. This means that the school may only store the personal data and not process it further, except in limited circumstances

5. The Right to Object – What does this mean?

You can object to certain types of processing such as direct marketing. The right to object also applies to other types of processing such as processing for scientific, historical research or statistical purposes (although processing may still be carried out for reasons of public interest).

6. Rights on Automated Decision Making & Profiling – What does this mean?

The Act provides a safeguard against the risk that a potentially damaging decision is taken without human intervention. The right does not apply in certain circumstances such as where you give / you have given your explicit consent.

7. The Right to Data Portability – What does this mean?

Where personal data is processed on the basis of consent and by automated means, you have the right to have your personal data transmitted directly from one data controller to another where this is technically possible.

8. The Right to Erasure or 'right to be forgotten' – What does this mean?

You can request the erasure of your personal data when:

- i) the personal data is no longer necessary in relation to the purposes for which it was collected and processed
- ii) the School's lawful basis for processing your personal data was consent and you no longer provide your consent and there is no other legal ground for the processing , or
- iii) you object to the processing and there are no overriding legitimate grounds for the processing

DEFINITIONS

To aid understanding of this document, the following key definitions found in the legislation need to be understood:

Personal data

personal data means any information relating to an identified or identifiable natural person ('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

This definition gives a wide range of personal identifiers which constitute personal data. It includes the more obvious categories such as name, identification number, and date of birth but also includes location data or online identifier. This is to ensure the Act reflects changes in technology and the way organisations collect information about people.

The Act applies to both automated personal data and to manual filing systems where personal data are accessible according to specific criteria i.e. chronologically ordered sets of manual records containing personal data. Personal data that has been pseudonymised – eg key-coded – can fall within scope, depending on how difficult it is to attribute the pseudonym to a particular individual.

Special category data is listed below:

- race
- ethnic origin
- politics
- religion
- trade union membership
- genetics
- biometrics (where used for ID purposes)
- health
- sex life or
- sexual orientation

Special categories specifically include genetic data, and biometric data were processed to uniquely identify an individual. Personal data relating to criminal convictions and offences are not included, but similar extra safeguards apply to their processing (see Article 10).

Controller

Is a natural or legal person or organisation which determines the purposes and means of processing personal data and

Processor

Is a natural or legal person or organisation which processes personal data on behalf of a Controller.

Processing

Means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, 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

Data Subject:

Identified or identifiable natural person

PRINCIPLES

The Act contains 6 Principles relating to the collection, use, processing, and disclosure of data, and the rights of data subjects to have access to personal data concerning themselves.

- Principle 1 requires that processing be lawful and fair
- Principle 2 requires that purposes of processing be specified, explicit and legitimate
- Principle 3 requires that personal data be adequate, relevant and not excessive
- Principle 4 requires that personal data be accurate and kept up to date
- Principle 5 requires that personal data is not kept longer than is necessary
- Principle 6 requires that personal data be processed in a secure manner

POLICY

Somerville Nursery supports the objectives of The Act and is bound by its regulation with regard to personal data. This policy is designed to ensure that the confidentiality and integrity of personal data is maintained and to increase the access given to individuals to information relating to them. The Policy is designed to complement other School policies, which relate to personal data in some way. These include but are not limited to Human Resources policies, Information Sharing Protocols and any future policies or protocols agreed by the school, including those with external partners.

Somerville Nursery will hold the minimum personal data necessary to enable it to perform its functions. When data is no longer required it will be deleted in accordance with the Retention and Destruction Policy of the School. Every effort will be made to ensure that data is accurate and up to date, and that any known inaccuracies are corrected quickly.

The school will provide to any individual who makes a written request for their personal data; a reply stating whether or not they hold personal data about them. A copy of that information in clear language will be given, unless specific legal exemptions apply. The school will fulfil a request for access to personal data within 30 calendar days.

Data sharing within school will only be conducted as per the lawful basis for processing the personal data and within the stated Principles of The Act. For further information see our Privacy notice on the Federation website for its lawful basis for processing personal and special category data; who and why we are required to share personal information; and your rights.

The appointed Data Protection Officer – Jane Corrin will decide on a case by case basis whether disclosure would be appropriate under your Right of Access as certain limited exemptions apply (See 2 Rights of Access above).

The school ensures that personal data is treated as confidential and our automated systems are designed to comply with the Data Protection Principles. This ensures that access to personal data can be restricted and controlled. The school is committed to ensuring all staff will receive appropriate training so they are fully informed of their obligations under the Act.

The school expects all of its staff to comply fully with this Policy and the Data Protection Principles. Disciplinary action may be taken against any employee who breaches any of the instructions or procedures following from this Policy.

The school must have an appointed Data Protection Officer (DPO). It is the responsibility of the DPO to assist the school to ensure compliance with this Policy, to specify the procedures to be adopted, and to ensure Somerville Nursery abides by the legislation. The main duties of the DPO are:

1. Maintenance of Somerville Nursery external notifications under the Act, acting as the interface with the Office of the Information Commissioner (ICO). The ICO regulates the Data Protection Act
2. Development, update and publication of Data Protection procedures and related policies
3. Ensure compliance with Data Protection procedures and practices
4. Advise and assist on requests for information
5. Act as the initial contact for schools for advice and guidance on Data Protection

In addition to the formal responsibilities outlined above, all staff have a duty to observe the Data Protection Principles and the procedures referred to in this document.

Further information, including advice on all aspects of The Act is available from The Office of The Information Commissioner see website at www.ico.gov.uk

Jane Corrin
Data Protection Officer
August 2022
Schooldpo@wirral.gov.uk

Not to be reproduced without authors permission