



Ashton House School

## **Data Protection Policy**

### **1.1**



## Ashton House School

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| <b>Policy Title:</b>              | <b>Ashton House School Data Protection Policy</b>  |
| <b>Version:</b>                   | 1.1  |
| <b>Policy Summary:</b>            | Ashton House School takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the <b>Data Protection Act 2018</b> (the '2018 Act') and the <b>EU General Data Protection Regulation</b> ('GDPR') in respect of data privacy and security. |
| <b>Policy Owner:</b>              | Ashton House School  |
| <b>Relevant to:</b>               | All current and former employees, proprietors, student teachers, volunteers and consultants.   |
| <b>Date introduced:</b>           | October 2018   |
| <b>Next review date:</b>          | April 2022   |
| <b>Related School Documents:</b>  | <ul style="list-style-type: none"><li>• Data Retention Policy and Schedule</li><li>• Data Security Policy</li><li>• CCTV Policy</li><li>• Subject Access Request Policy</li><li>• Privacy Notice for Parents</li><li>• Privacy Notice for Pupils</li></ul>   |
| <b>Date(s) modified/reviewed:</b> | Reviewed April 2020  |



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## 1. Overview

- 1.1 Ashton House School (The School hereafter), takes the security and privacy of your data seriously. We need to gather and use information or 'data' about you as part of our business and to manage our relationship with you. We intend to comply with our legal obligations under the **Data Protection Act 2018** (the '2018 Act') and the **EU General Data Protection Regulation** ('GDPR') in respect of data privacy and security. We have a duty to notify you of the information contained in this policy.
- 1.2 This policy applies to current and former employees, proprietors, student teachers, volunteers and consultants. If you fall into one of these categories then you are a 'data subject' for the purposes of this policy. You should read this policy alongside your contract of employment (or contract for services) and any other notice we issue to you from time to time in relation to your data.
- 1.3 The School has separate policies and/or privacy notices in place in respect of job applicants, pupils, parents, suppliers and other categories of data subject. A copy of these can be obtained from the school office.
- 1.4 The School has measures in place to protect the security of your data in accordance with our Data Security Policy. A copy of this can be obtained from the school office
- 1.5 The School will hold data in accordance with our Data Retention Policy. A copy of this can be obtained from the school office. We will only hold data for as long as necessary for the purposes for which we collected it.
- 1.6 The School is a '**Data Controller**' for the purposes of your personal data. This means that we determine the purpose and means of the processing of your personal data.
- 1.7 This policy explains how the School will hold and process your information. It explains your rights as a data subject. It also explains your obligations when obtaining, handling, processing or storing personal data in the course of working for, or on behalf of, the School.
- 1.8 This policy does not form part of your contract of employment (or contract for services if relevant) and can be amended by the School at any time.

## 2. Legislation and Guidance

- 2.1 This policy is fully compliant with the 2018 Act and the GDPR, and is based on guidance provided by the Information Commissioners Office (ICO). If any conflict arises between those laws and this policy, the School intends to comply with the 2018 Act and the GDPR.



### 3. Definitions

| Term                           | Definition   |
|--------------------------------|--|
| <b>Personal data</b>           | <p>Information relating to a living individual, who can be identified from that data on its own, or when taken together with other information likely to come into our possession It includes any expressions of opinion about the person and an indication of the intentions of us or others, in respect of that person. It does not include anonymized data</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p> |
| <b>Sensitive personal data</b> | <p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"><li>• Racial or ethnic origin</li><li>• Political opinions</li><li>• Religious beliefs, or beliefs of a similar nature</li><li>• Where a person is a member of a trade union</li></ul>   |



|                                      |  |
|--------------------------------------|--|
| <b>Sensitive personal data cont.</b> | <ul style="list-style-type: none"> <li>• Physical and mental health</li> <li>• Sexual orientation</li> <li>• Whether a person has committed, or is alleged to have committed, an offence</li> <li>• Criminal convictions</li> </ul> <p>We may hold and use any of these special categories of your personal data in accordance with the law.</p> |
| <b>Processing</b>                    | Obtaining, recording or holding data   |
| <b>Data subject</b>                  | The person whose personal data is held or processed  |
| <b>Data Controller</b>               | A person or organisation that determines the purposes for which, and the manner in which, personal data is processed   |
| <b>Data processor</b>                | A person, other than an employee of the data controller, who processes the data on behalf of the data controller   |

#### 4. The Data Controller

4.1 The School processes personal information relating to pupils, staff, volunteers, visitors and other stakeholders, and, therefore, is a Data Controller. Our School delegates the responsibility of Data Controller to the School Bursar, Mrs Joanne James.

4.2 The Data Protection Officer for the School is Dee Whitmore – [dposervice@gbs.education](mailto:dposervice@gbs.education)

4.3 The School is registered as a data controller with the Information Commissioner’s Office and renews this registration annually.

#### 5. Data Protection Principles

5.1 The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed



- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the GDPR and the Data Protection Act 2018

5.2 Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data.

5.3 Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data.

## 6. Roles and Responsibilities

6.1 The Proprietor has overall responsibility for ensuring that the school complies with its obligations under the GDPR and the Data Protection Act 2018

6.2 Day-to-day responsibilities rest with the School Bursar, or the Headteacher, in the Bursar's absence. The Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

6.3 Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## 7. Processing Personal Data

7.1 We process data relating to those we employ to work at, or otherwise engage to work at, our school. The purpose of processing this data is to assist in the running of the School. We will process your personal data (including special categories of personal data) in accordance with our obligations under the 2018 Act.

7.2 We will use your personal data for:

- performing the contract of employment (or services) between us;
- complying with any legal obligation; or
- if it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop this processing. See details of your rights in section 12 below.

7.3 We can process your personal data for these purposes without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

7.4 If you choose not to provide us with certain personal data you should be aware that we may not be able to carry out certain parts of the contract between us. For example, if you do not provide us with your bank account details we may not be able to pay you. It might also stop us from complying with certain legal obligations and duties which we have such as to pay the right amount of tax to HMRC or to make reasonable adjustments in relation to any disability you may suffer from.



## **8 Examples of when we might process your personal data**

8.1 We have to process your personal data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement). For example: (and see section 9.3 below for the meaning of the asterisks):

- to decide whether to employ (or engage) you;
- to decide how much to pay you, and the other terms of your contract with us;
- to check you have the legal right to work for us;
- to carry out the contract between us including where relevant, its termination;
- training you and reviewing your performance\*;
- to decide whether to promote you;
- to decide whether and how to manage your performance, absence or conduct\*;
- to carry out a disciplinary or grievance investigation or procedure in relation to you or someone else;
- to determine whether we need to make reasonable adjustments to your workplace or role because of your disability\*;
- to monitor diversity and equal opportunities\*;
- to monitor and protect the security (including network security) of the School, of you, our other staff, customers and others;
- to monitor and protect the health and safety of you, our other staff, and stakeholders\*;
- to pay you and provide pension and other benefits in accordance with the contract between us\*;
- paying tax and national insurance;
- to provide a reference upon request from another employer;
- to pay trade union subscriptions\*;
- monitoring compliance by you, us and others with our policies and our contractual obligations\*;
- to comply with employment law, immigration law, health and safety law, tax law and other laws which affect us\*;
- to answer questions from insurers in respect of any insurance policies which relate to you\*;
- running our School and planning for the future;
- the prevention and detection of fraud or other criminal offences;
- to defend the School in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure\*; and
- for any other reason which we may notify you of from time to time.

## **9. How will we process special category personal data?**

9.1 We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we asked for your





consent to process a special category of personal data, then we would explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose by contacting the Bursar.

9.2 We do not need your consent to process special categories of your personal data when we are processing it for the following purposes, which we may do:

- where it is necessary for carrying out rights and obligations under employment law;
- where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent;
- where you have made the data public;
- where processing is necessary for the establishment, exercise or defence of legal claims; and
- where processing is necessary for the purposes of occupational medicine or for the assessment of your working capacity.

9.3 We might process special categories of your personal data for the purposes in paragraph 8.1 above which have an asterisk (\*) beside them. In particular, we will use information in relation to:

- your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities;
- your sickness absence, health and medical conditions to monitor your absence, assess your fitness for work, to pay you benefits, to comply with our legal obligations under employment law including to make reasonable adjustments and to look after your health and safety; and
- your trade union membership to pay any subscriptions and to comply with our legal obligations in

9.4 We do not take automated decisions about you using your personal data or use profiling in relation to you.

## **10 Sharing your Personal Data**

10.1 Occasionally, it might be necessary to share your data in order to meet obligations under our contract with you or to meet our statutory obligations or for our legitimate interests. For example: IT, Payroll, Pensions.

10.2 We require those organisations and companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

10.3 When selecting companies and contractors to work with, we will:

- only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law;
- establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share;
- only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us.



10.4 We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our staff.

10.5 We do not routinely send your personal data outside the European Economic Area (EEA). If this changes you will be notified of this and the protections which are in place to protect the security of your data will be explained.

10.6 We will not share information about staff with third parties without consent unless the law allows us to do so.

10.7 We are required, by law, to pass certain information about staff to specified external bodies, such as our Local Authority, the Department for Education, the Independent Schools Association and the Independent Schools Inspectorate, so that they are able to meet their statutory obligations. We may also share data with Law Enforcement agencies and Government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

## **11 How You Should Process Personal Data on Behalf of the School**

11.1 Everyone who works for, or on behalf of, the School has some responsibility for ensuring data is collected, stored and handled appropriately, in line with this policy and the School's Data Security and Data Retention policies.

11.2 The School's Data Protection Officer/Data Protection Manager Mrs Joanne James is responsible for reviewing this policy and updating the Proprietor on the School's data protection responsibilities and any risks in relation to the processing of data. You should direct any questions in relation to this policy or data protection to this person.



- 11.3 You should only access personal data covered by this policy if you need it for the work you do for, or on behalf of the School and only if you are authorised to do so.
- 11.4 You should only use the data for the specified lawful purpose for which it was obtained.
- 11.5 You should not share personal data informally.
- 11.6 You should keep personal data secure and not share it with unauthorised people.
- 11.7 You should regularly review and update personal data which you have to deal with for work. This includes telling us if your own contact details change.
- 11.8 You should not make unnecessary copies of personal data and should keep and dispose of any copies securely.
- 11.9 You should use strong passwords.
- 11.10 You should lock your computer screens when not at your desk.
- 11.11 Personal data should be encrypted before being transferred electronically to authorised external contacts.
- 11.12 Do not save personal data to your own personal computers or other devices.
- 11.13 Personal data should never be transferred outside the European Economic Area except in compliance with the law and authorisation of the Headteacher.
- 11.14 You should lock drawers and filing cabinets. Do not leave paper with personal data lying about.
- 11.15 You should not take personal data away from School premises without authorisation from your line-manager.
- 11.16 Personal data should be shredded and disposed of securely when you have finished with it.
- 11.17 You should ask for help from our Data Protection Officer/Data Protection Manager if you are unsure about data protection or if you notice any areas of data protection or security we can improve upon.
- 11.18 Any deliberate or negligent breach of this policy by you may result in disciplinary action being taken against you in accordance with the School's Disciplinary Procedure.
- 11.19 It is a criminal offence to conceal or destroy personal data which is part of a subject access request (see below). This conduct would also amount to gross misconduct under our disciplinary procedure, which could result in your dismissal.



## 12 How to Deal with Data Breaches

12.1 We have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur (whether in respect of you or someone else) then we must take notes and keep evidence of that breach. If the breach is likely to result in a risk to the rights and freedoms of individuals, then we must also notify the Information Commissioner's Office within 72 hours.

12.2 If you are aware of a data breach you must contact the Bursar and/or Headteacher immediately and keep any evidence you have in relation to the breach.

12.3 For further information please refer to the School's Data Security Policy

## 13 Subject Access Requests (SARs)

13.1 Data subjects can make a '**Subject Access Request**' ('SAR') to find out the information we hold 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 held
- 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

13.2 A SAR may be made in writing or verbally. If you receive such a request you should forward it immediately to the Bursar and/or Headteacher, who will liaise with the Data Protection Officer and coordinate a response.



13.3 If you would like to make a SAR in relation to your own personal data it would be helpful, though not compulsory, if you make this in writing to the Bursar and/or Headteacher including:

- your name and contact address;
- email address and telephone number
- details of the information you require.

13.4 The School must respond within one month unless the request is complex or numerous in which case the period in which we must respond can be extended by a further two months.

13.5 There is no fee for making a SAR. However, if your request is manifestly unfounded or excessive we may charge a reasonable administrative fee or refuse to respond to your request.

## **14 Your Data Subject Rights**

14.1 You have the right to information about what personal data we process, how and on what basis as set out in this policy.

14.2 You have the right to access your own personal data by way of a subject access request (see above).

14.3 You can correct any inaccuracies in your personal data. To do so you should contact Mrs Joanne James.

14.4 You have the right to request that we erase your personal data where we were not entitled under the law to process it or it is no longer necessary to process it for the purpose it was collected. To do so you should contact Mrs Joanne James.

14.5 While you are requesting that your personal data is corrected or erased or are contesting the lawfulness of our processing, you can apply for its use to be restricted while the application is made. To do so you should contact Mrs Joanne James.

14.6 You have the right to object to data processing where we are relying on a legitimate interest to do so and you think that your rights and interests outweigh our own and you wish us to stop.

14.7 You have the right to object if we process your personal data for the purposes of direct marketing.

14.8 You have the right to receive a copy of your personal data and to transfer your personal data to another data controller. We will not charge for this and will in most cases aim to do this within one month.

14.9 With some exceptions, you have the right not to be subjected to automated decision-making.

14.10 You have the right to be notified of a data security breach concerning your personal data.



14.11 In most situations we will not rely on your consent as a lawful ground to process your data. If we do however request your consent to the processing of your personal data for a specific purpose, you have the right not to consent or to withdraw your consent later. To withdraw your consent, you should contact [insert name].

14.13 You have the right to complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). This website has further information on your rights and our obligations.

## **15. Training**

15.1 Our staff are provided with data protection training as part of their induction process.

15.2 Data Protection forms part of continuing professional development, where changes to legislation or the school's processes make it necessary.

## **16 Monitoring Arrangements**

16.1 The Bursar and Headteacher together with the Data Protection Officer are responsible for monitoring and reviewing this policy.

16.2 The Bursar and Headteacher together with the Data Protection Officer checks that the school complies with this policy by, among other things, reviewing school records annually.

16.3 This policy will be reviewed and updated as and when necessary in relation to any amendments to Data Protection legislation or guidance, or any internal concerns resulting from Policy violations, or on an annual basis.

16.4 At every review, the policy will be shared with the Proprietor.

## **17 Contacts**

If you have any questions or concerns about how we process information or wish to exercise any data protection rights, please contact the School in the first instance.

If you have concerns that we are not able to resolve to your satisfaction you can contact our Data Protection Officer at the address below.



Alternatively, you can register their concern with the UK's data protection regulator, the Information Commissioner's Office by following this link <https://ico.org.uk/global/contact-us/email/>

**Contacts Details:**

**Data Controller:** Ashton House School, 50-52 Eversley Crescent, Isleworth TW7 4LW

**Data Controller's Representative:** Mrs Joanne James, *Bursar*. Email: [jjames@ashtonhouse.com](mailto:jjames@ashtonhouse.com)

**Data Protection Officer:** Dee Whitmore. Email: [dposervice@gbs.education](mailto:dposervice@gbs.education)

## 18 Links with Other Policies

This Data Protection Policy is linked to:

- Data Retention Policy and Schedule
- Data Security Policy
- CCTV Policy
- Subject Access Request Policy
- Privacy Notice for Parents
- Privacy Notice for Pupils