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**REBOOT**  
EDUCATION

*A Social Enterprise*

# **DATA PROTECTION POLICY**

## **2024/2025**



## DATA PROTECTION POLICY

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<b>Policy author:</b>	Paul Arch
<b>Date Approved by Directors:</b>	January 2024
<b>Date to be Reviewed:</b>	January 2025
<b>Policy displayed on website:</b>	Yes

<b>Directors Signatures:</b>	<p><i>Paul Arch</i></p> <p><i>Viv Hunt</i></p>
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<b>Updates made:</b>	<b>Date:</b>

## 1. Scope

1.1: Reboot Education aims to ensure that all personal data collected about staff, pupils, parents, visitors and other individuals is collected, stored and processed in accordance with UK data protection law.

1.2: This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## 2. Legislation and Guidance

2.1: This policy meets the requirements of the:

UK General Data Protection Regulation (UK GDPR) - the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)

2.2: [Data Protection Act 2018 \(DPA 2018\)](#)

It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#).

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

## 3. Definitions

Term:	Definition:
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, living individual.</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>Special categories of 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 or philosophical beliefs</li> <li>• Trade union membership</li> <li>• Genetics</li> <li>• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li> <li>• Health - physical or mental</li> <li>• Sex life or sexual orientation</li> </ul>

<b>Processing</b>	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
<b>Data subject</b>	The identified or identifiable individual whose personal data is held or processed.
<b>Data controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<b>Data processor</b>	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
<b>Personal data breach</b>	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

## 4. The Data Controller

4.1: Reboot Education processes personal data relating to parents, pupils, staff, visitors and others, and therefore is a data controller.

4.2: Reboot Education is registered with the ICO / has paid its data protection fee to the ICO, as legally required.

## 5. Roles and Responsibilities

5.1: This policy applies to all staff employed by Reboot Education. Staff who do not comply with this policy may face disciplinary action.

5.2: The company directors have overall responsibility for ensuring that Reboot Education complies with all relevant data protection obligations.

5.3: The data protection officer (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.

5.4: The DPO is also the first point of contact for individuals whose data Reboot Education processes, and for the ICO. Full details of the DPO's responsibilities are set out in their job description.

5.5: Our DPO is Paul Arch and is contactable via [office@reboot-education.co.uk](mailto:office@reboot-education.co.uk).

5.6: All staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing Reboot Education of any changes to their personal data, such as a change of address.
- Contacting the DPO in the following circumstances:
  - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure.
  - If they have any concerns that this policy is not being followed.
  - If they are unsure whether or not they have a lawful basis to use personal data in a particular way.
  - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the UK
  - If there has been a data breach.
  - Whenever they are engaging in a new activity that may affect the privacy rights of individuals.
  - If they need help with any contracts or sharing personal data with third parties

## 6. Data Protection Principles

6.1: The UK GDPR is based on data protection principles that Reboot Education 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 Reboot Education aims to comply with these principles.

## 7. Collecting Personal Data

### 7.1: Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that Reboot Education can fulfil a contract with the individual, or the individual has asked Reboot Education to take specific steps before entering into a contract.
- The data needs to be processed so that Reboot Education can comply with a legal obligation.
- The data needs to be processed to ensure the vital interests of the individual or another person i.e. to protect someone's life.
- The data needs to be processed so that Reboot Education can perform a task in the public interest or exercise its official authority.
- The data needs to be processed for the legitimate interests of Reboot Education or a third party, provided the individual's rights and freedoms are not overridden.
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear consent.

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law.
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law.
- The data needs to be processed for archiving purposes, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest.

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**.
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent.
- The data has already been made **manifestly public** by the individual.
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**.
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

#### 7.2: **Limitation, minimisation and accuracy**

We 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.

Staff must only process personal data where it is necessary in order to do their jobs.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with Reboot Education's record retention schedule.

## 8. Sharing Personal Data

8.1: We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk.
- We need to liaise with other agencies - we will seek consent as necessary before doing this.

8.2: We will also share personal data with law enforcement and government bodies where we are legally required to do so.

8.3: 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 pupils or staff.

8.4: Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

## **9. Subject Access Requests and other rights of individuals**

### **9.1: Subject Access Requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that Reboot Education 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
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- 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.
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

If staff receive a subject access request in any form, they must immediately forward it to the DPO.

### **9.2: 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. 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 requests from parents or carers of pupils at Reboot Education 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. Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at Reboot Education may not 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.

### **9.3: Responding to Subject Access Requests**

When responding to requests, we:

- May ask the individual to provide 2 forms of identification.
- May contact the individual via phone to confirm the request was made.



- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant).
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

## 9.4: Other Data Protections Rights of the Individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- 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 exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

## 10. Photographs and Video Recordings

10.1: As part of Reboot Educations activities, we may take photographs and record images of individuals within our provision.

10.2: We will obtain written consent from parents/carers, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at Reboot Education events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where Reboot Education takes photographs and videos, uses may include:

- Within Reboot Education on notice boards and in Reboot Education, brochures, newsletters, etc.
- Online on our website.

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.

## 11. Data Protection by Design and Default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing data protection impact assessments where Reboot Education's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
  - For the benefit of data subjects, making available the name and contact details of our Reboot Education and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
  - For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

## **12. Data Security and Storage of Records**

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use.
- Papers containing confidential personal data must not be left on office and classroom desks, or left anywhere else where there is general access.
- Where personal information needs to be taken off site, staff must sign it in and out from the Reboot Education office.
- Staff are strongly encouraged to use passwords that are at least 10 characters long containing letters and numbers are used to access Reboot Education computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites.
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for Reboot Education owned equipment.
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8).

## **13. Disposal of Records**

13.1: Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

13.2: For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the Reboot Education's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## **14. Personal Data Breaches**

14.1: Reboot Education will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, Reboot Education will follow the procedure set out in appendix 1.

14.2: When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a Reboot Education context may include, but are not limited to:

- Safeguarding information being made available to an unauthorised person.
- The theft of a Reboot Education laptop containing non-encrypted personal data about pupils.

## **15. Training**

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

15.2: Data protection will also form part of continuing professional development, where changes to legislation, guidance or Reboot Education's processes make it necessary.

## **16. Monitoring Arrangements**

16.1: The DPO is responsible for monitoring and reviewing this policy.

16.2: This policy will be reviewed annually and approved by the full governing board.

## Appendix 1: Personal data breach procedure

This procedure is based on [guidance on personal data breaches](#) produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach, or potential breach, the staff member, governor or data processor must immediately notify the data protection officer (DPO).
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- Staff will cooperate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation.
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the directors and the governors.
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure).
- The DPO will assess the potential consequences (based on how serious they are and how likely they are to happen) before and after the implementation of steps to mitigate the consequences.
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's [self-assessment tool](#).
- The DPO will document the decisions (either way), in case the decisions are challenged at a later date by the ICO or an individual affected by the breach.
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page](#) of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of Reboot Education's awareness of the breach. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - o The categories and approximate number of individuals concerned
    - o The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of Reboot Education's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible