



Clovelly House School  
Stay safe, respect, achieve

# GDPR and Data Protection Policy

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## Data Protection Policy

### 1. Introduction

Clovelly House School 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 functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner's Office (ICO) detailing the information held and its use. These details are then available on the ICO's website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents, this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on.

### 2. Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored, and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

### 3. Personal Information

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

### 4. Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be obtained only for one or more specified and lawful purposes.
3. Personal data shall be adequate, relevant, and not excessive.
4. Personal data shall be accurate and where necessary, kept up to date.
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes.
6. Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998.
7. Personal data shall be kept secure i.e. protected by an appropriate degree of security.
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection.

### 5. General Statement

The school is committed to maintaining the above principles at all times. Therefore, the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely



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- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft, and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

### **6. What is GDPR?**

The General Data Protection Regulation is a European-wide law that replaces the Data Protection Act 1998 in the UK. It places greater obligations on how organisations handle personal data. It came into effect on 25 May 2018. The GDPR applies to 'personal data', which means any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.

The GDPR applies to processing carried out by organisations operating within the EU. It also applies to organisations outside the EU that offer goods or services to individuals in the EU.

### **7. Individuals rights.**

At Clovelly we would like to make sure that you understand all of your rights under GDPR 2018 legislations. These are the following:

- The right to be informed – being told what data you hold about them and what you do with it.
- The right of access – being able to request a copy of their data you hold.
- The right to rectification – being able to have inaccurate data corrected.
- The right to erasure – being able to ask you to delete / destroy their data.
- The right to restrict processing – being able to limit the amount or type of data used.
- The right to data portability – requesting to move their data electronically to another business.
- The right to object – being able to request you stop using their data.

### **8. How do we store your data?**

At Clovelly, all information is kept locked away in a secure area, all electronic data is encrypted, and password protected. Access to such information is restricted to authorised personnel only. This information will be kept for the duration of employment or attendance at Clovelly House (Brythan House LTD), once this period of time has passed, all information will be archived and destroyed.

### **9. Complaints**

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

### **10. Breach of GDPR**



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The UK GDPR introduces a duty on all organisations to report certain data breaches to the relevant supervisory authority, the ICO (Independent Commission ). This must be done within 24 hours of becoming aware of the breach where feasible.

The UK GDPR introduces a duty on all organisations to report certain personal data breaches to the relevant supervisory authority. You must do this within 72 hours of becoming aware of the breach, where feasible. Therefore, as soon as a personal data breach is identified, the first task is to involve the DPO, (Data Protection Officers), in the organization.

If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, the company will also inform those individuals without undue delay.

The company will ensure that there are robust breach detection, investigation and internal reporting procedures in place. This will facilitate decision-making about whether or not you need to notify the relevant supervisory authority or the affected individuals, or both. To do this, all staff will have updated GDPR training annually and staff will be reminded about GDPR issues in meetings. In addition, GDPR will be considered in the writing of other policies.

In the event of a breach the company will also keep a record of any personal data breaches, regardless of whether you are required to notify.

### **11. Review**

This policy will be reviewed as it is deemed appropriate, but no less frequently than every 2 years. The policy review will be undertaken by the Principal or nominated representative.

### **12. Staff Training**

The company requires all staff to undergo training on GDPR which will be updated annually. Training will be provided using 'care skills' online. The GDPR Officer will undergo enhanced GDPR training. In addition, where relevant GDPR may be included in other company training where relevant.

### **13. Contacts**

Tam-lyn Brink- Data Protection Officer for Clovelly House Children's Residential Home and School-  
[bursar@clovellyhouse.co.uk](mailto:bursar@clovellyhouse.co.uk)

If you have any enquires in relation to this policy, please contact Jennifer Collighan who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone 01625 5457453



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### Appendix 1 – Request for Information

Clovelly House School procedures for responding to subject access requests made under the Data Protection Act 1998

#### Rights of access to information

There are two distinct rights of access to information held by schools about pupils.

1. Under the Data Protection Act 1998 any individual has the right to make a request to access the personal information held about them.
2. The right of those entitled to have access to curricular and educational records as defined within the Education Pupil Information (Wales) Regulations 2004.

These procedures relate to subject access requests made under the Data Protection Act 1998.

#### Actioning a subject access request

1. Requests for information must be made in writing, which includes email, and be addressed to Jennifer Collighan. If the initial request does not clearly identify the information required, then further enquiries will be made.
2. The identity of the requestor must be established before the disclosure of any information, and checks should also be carried out regarding proof of relationship to the child. Evidence of identity can be established by requesting production of:
  - passport
  - driving licence
  - utility bills with the current address
  - Birth / Marriage certificate
  - P45/P60
  - Credit Card or Mortgage statement

*This list is not exhaustive.*

3. Any individual has the right of access to information held about them. However, with children, this is dependent upon their capacity to understand (normally age 12 or above) and the nature of the request. The Principal should discuss the request with the child and take their views into account when making a decision. A child with competency to understand can refuse to consent to the request for their records. Where the child is not deemed to be competent an individual with parental responsibility or guardian shall make the decision on behalf of the child.

4. The school may make a charge for the provision of information, dependent upon the following:
  - Should the information requested contain the educational record then the amount charged will be dependent upon the number of pages provided.
  - Should the information requested be personal information that does not include any information contained within educational records schools can charge up to £10 to provide it.
  - If the information requested is only the educational record viewing will be free, but a charge not exceeding the cost of copying the information can be made by the Principal.

5. The response time for subject access requests, once officially received, is 40 days (not working or school days but calendar days, irrespective of school holiday periods). However, the 40 days will not commence until after receipt of fees or clarification of information sought

6. The Data Protection Act 1998 allows exemptions as to the provision of some information; **therefore, all information will be reviewed prior to disclosure.**

7. Third party information is that which has been provided by another, such as the Police, Local Authority, Health Care professional or another school. Before disclosing third party information consent should



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normally be obtained. There is still a need to adhere to the 40-day statutory timescale.

8. Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.
9. If there are concerns over the disclosure of information then additional advice should be sought.
10. Where redaction (information blacked out/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.
11. Information disclosed should be clear, thus any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.
12. Information can be provided at the school with a member of staff on hand to help and explain matters if requested, or provided at face to face handover. The views of the applicant should be taken into account when considering the method of delivery. If postal systems have to be used then registered/recorded mail must be used.

### **Complaints**

Complaints about the above procedures should be made to the Principal who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

### **Contacts**

If you have any queries or concerns regarding these policies / procedures then please contact Jennifer Collighan, Principal.

Further advice and information can be obtained from the Information Commissioner's Office, [www.ico.gov.uk](http://www.ico.gov.uk) or telephone



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## Appendix 2

### Consent form

Important: Please read the Clovelly House Data Protection Policy.

Where consent has been given as the basis for processing my information in the Data Privacy Policy:

I accept that Clovelly House, holds personal data about me and I hereby consent to the processing by Clovelly House (Brythan House LTD) or any associated company of my personal data for any purpose related to the performance of my contract of employment or my continuing employment or its termination or the conduct of Clovelly House, including, but not limited to- payroll, human resources and business continuity planning purposes.

I also explicitly consent to Clovelly House or any company processing any sensitive personal data relating to me, for example sickness absence records, medical reports, particular health needs, details of criminal convictions and equal opportunities monitoring data, as necessary for the performance of my contract of employment or my continuing employment or its termination or the conduct of Clovelly House’s business.

Finally, I consent to Clovelly House providing my personal data to a third party where is necessary for the performance of my contract of employment or my continuing employment or its termination or the conduct of the company’s business, for example a pension scheme provider in relation to my membership of a pension scheme or to an insurance company in relation to the provision of insured benefits.

Where consent has been given as the basis for processing my information in the Data Privacy Policy:

I have read the Data Privacy Policy and understand that my data is processed on a basis other than my consent.

Name.....

Signature.....





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### Appendix 3 – Staff Privacy Statement

#### **Clovelly House keeps data about you as staff of the school and/or home**

(If you have any questions, queries or feedback, please email [bursar@clovellyhouse.co](mailto:bursar@clovellyhouse.co) or speak directly to Jennifer Collighan, (Principal).)

#### **We collect Information about you**

Your information is stored in your personnel files, on our school/home reporting, recording and processing documentation in relation to the young people's care, on regulatory requirement organizations to comply with legal obligations, on our Clovelly House website, and on mobile devices used by staff.

External organisations who are involved with the administration of school/home facilities, accounting and processing of business functions may have your details to facilitate the running of the business, (for example, our accountants).

While delivering the best care for children, outside organisations may have your name shared or recorded with them to allow access to facilitate the delivery of our young people's care, (for example the gym and therapy staff.)

#### **Where your data is stored**

We store your data on Clovelly home and school sites, on secure servers on the school/home property, and on our school and home equipment. We have a legal obligation to share in information regarding the provision of safeguarding, development and care to our young people. Your information may also be held on files held by the childcare guardianship and regulatory bodies who are involved in the safeguarding, monitoring and care of our young people. The Clovelly Home website, prospectus and development and strategic planning documents may contain your name, qualifications, target aims and personal achievements to view by prospective caregivers, parents, children and interested parties.

#### **Keeping your data secure**

Your personal files are kept locked on the school site. We must inform you that, although we use secure servers, serviced by Rob Grain, (Comprehensive Computer Services Co.), sending information over internet or mobile devices is generally not completely secure, and we can't guarantee the security of your data whilst it is in transit, or who accesses it on the recipient side if there is a breach of data protection processes. We work closely with other organisations to deliver exceptional care to you young people. These organisations are all legally required to comply with GDPR guidance, however, we are unable to guarantee that they maintain full compliance with the data protection standards. Any data you send is at your own risk.

Please report any breach in Data Protection to your line manager.

#### **Disclosing Your Information**

We may pass on your personal information to authorities if we have a legal obligation to do so. This may be in relation to safeguarding, or data required in the effective delivery of care and reporting of our young people.

We, at Clovelly House, would like to maintain a culture of honesty and development. If you have breached data protection procedures, please inform a senior manager so we can rectify the situation as soon as possible. We won't share your information with any organisations for marketing.



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**Appendix 4**

**Form for recording breaches of information**

Details of breach of information	Actions taken by the company	Outcomes as a result of actions

Reviewed by:

Name: ..... Signature: ..... Date: .....

Name: ..... Signature: ..... Date: .....

Name: ..... Signature: ..... Date: .....