



GDPR & Privacy Notice

Reviewed by Governing Body – May 2021
Next Review Date – May 2022



General Data Protection Regulations

Our Commitment

Infiniti School is committed to the protection of all personal and sensitive data for which it holds responsibility as the data controller and the handling of such data in line with the data protection principles and the data protection act (DPA).

The legal bases for processing data are as follows:-

- (1) **Consent:** the member of staff/student/parent has given clear consent for the school to process their personal data for a specific purpose.
- (2) **Contract:** the processing is necessary for the member of staff's employment contract or student placement contract.
- (3) **Legal obligations:** the processing is necessary for the school to comply with the law (not including contractual obligations).

The members of staff responsible for data protection are mainly the headteacher and the deputy headteacher. However, all staff must treat all student information in a confidential manner and follow the guidelines as set out in this document.

Infiniti School is also committed to ensuring that its staff are aware of data protection policies, legal requirements and adequate training is provided to them.

The requirements of this policy are mandatory for all staff employed by the school and any third party contracted to provide services within the school.

Notification

Our data processing activities will be registered with the Information commissioner's office (ICO) as required of a recognised data controller. Details are available from the ICO:

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

Changes to the type of data processing activities being undertaken shall be notified to the ICO and details amended in the register.

Breaches of personal or sensitive data shall be notified within 72 hours to the individual(s) concerned and the ICO.

Personal and Sensitive Data

All data within the school's control shall be identified as personal, sensitive or both to ensure that it is handled in compliance with legal requirements and access to it does not breach the rights of the individuals to whom it relates.

The definitions of personal and sensitive data shall be as those published by the ICO for guidance:

<https://ico.org.uk/for-organisations/guide-to-data-protection/key-definitions/>

Personal Data – data which relates to a living individual who can be identified: -

- from those data, or



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- from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive, personal data/ special category data– data consisting of information as to:-

- racial or ethnic origin of the data subject
- political opinions
- religious beliefs or other beliefs of a similar nature
- trade union membership
- physical/mental health or condition
- sexual orientation
- commission or alleged commission of any offence
- any proceedings for any offence committed or alleged to have been committed, the disposal of such proceedings or the sentence of any court in such proceedings

The principles of the data protection act shall be applied to all data processed:

- Ensure that data is fairly and lawfully processed
- Process data only for limited purposes
- Ensure that all data processed is adequate, relevant and not excessive
- Ensure that data processed is accurate
- Not keep data longer than is necessary
- Process the data in accordance with the data subject's rights
- Ensure that data is secure
- Ensure that data is not transferred to other countries without adequate protection

Collecting Personal Data

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 the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual for example to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the school 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 categories conditions for processing which are set out in the GDPR and data protection act 2018.

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



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 necessary consent

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

When staff no longer need the personal data they hold, they must ensure it is securely disposed of or anonymised.

Sharing Personal Data

We will not normally share personal data with anyone else but may do so where:

- There is an issue with a student 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
- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example IT companies. When doing this, 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

We will also share personal data with law enforcement 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 the personal data is sufficiently anonymised or consent has been provided

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

Fair Processing/Privacy Notice

We shall be transparent about the intended processing of data and communicate these intentions via notification to staff, parents and pupils prior to the processing of individual's data.

Notifications shall be in accordance with the ICO guidance and, where relevant, be written in a form understandable by those defined as 'children' under the legislation.

<https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/>



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There may be circumstances where the school is required either by law or in the best interests of our students or staff to pass information onto external authorities, for example local authorities, Ofsted or the department of health. These authorities are up to date with data protection and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of our school shall be clearly defined within the notifications and details of the basis for sharing given. Data will be shared with external parties in circumstances where it is a legal requirement to provide such information.

Any proposed change to the processing of individual's data shall first be notified to them.

Under no circumstances will the school disclose information or data:

- That would cause serious harm to the child or anyone else's physical or mental health or condition.
- Indicating that the child is or has been subject to child abuse or may be at risk of it, where the disclosure would not be in the best interests of the child
- Recorded by the pupil in an examination
- That would allow another person to be identified or identifies another person as the source, unless the person is an employee of the school or a local authority or has given consent, or it is reasonable in the circumstances to disclose the information without consent. The exemption does not apply if the information can be edited so that the person's name can be or identifying details can be removed.

Roles and Responsibilities

This policy applies to all staff employed by Infiniti School, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

Governors

The governors have overall responsibility for ensuring that the policy complies with all relevant data protection obligations.

Headteacher

The headteacher is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection and developing related policies and guidelines where applicable. They are also the first point of contact for individuals whose data the school processes and for the ICO.

All Staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as change of address
- Contacting the headteacher in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal information or keeping data secure
 - If they have concerns this policy is not being followed
 - If they are unsure whether they have a lawful basis to use personal data in a particular way
 - 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



Data Security

In order to assure the protection of all data being processed and inform decisions on processing activities, we shall undertake an assessment of the associated risks of proposed processing and equally the impact on an individual's privacy in holding data related to them.

Risk and impact assessments shall be conducted in accordance with guidance given by the ICO:

<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-7-security/>

<https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/02/privacy-impact-assessments-code-published/>

Security of data shall be achieved through the implementation of proportionate physical and technical measures. Nominated staff shall be responsible for the effectiveness of the controls implemented and reporting of their performance.

The security arrangements of any organisation with which data is shared shall also be considered and where required these organisations shall provide evidence of the competence in the security of shared data.

Data Access Requests (Subject Access Requests)

All individuals whose data is held by us, has a legal right to request access to such data or information about what is held. We shall respond to such requests within one month and they should be made in writing to:

Headteacher
Infiniti School
The Street
Doddington, Kent
ME9 0BG

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

No charge will be applied to process the request.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it or charge a reasonable fee which takes into account administrative costs. A request will be deemed to be unfounded or excessive if it is repetitive or asks for further copies of the same information. If we refuse a request, we will tell the individual why and tell them they have the right to complain to the ICO.

Children and Subject Access Requests



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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 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 students at our school may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case by case basis.

Personal data about students will not be disclosed to third parties without the consent of the child's parent or carer, unless it is obliged by law or in the best interest of the child. Data may be disclosed to the following third parties without consent:

Parental Requests to see the Educational Record

Parents or those with parental responsibility have a right to access to their child's educational record (which includes most information about a student) within 30 school days of receipt of a written request. The school will charge a £10.00 fee for each request.

Other schools

If a pupil transfers from Infiniti School to another school, their academic records and other data that relates to their health and welfare will be forwarded onto the new school. This will support a smooth transition from one school to the next and ensure that the child is provided for as is necessary. It will aid continuation which should ensure that there is minimal impact on the child's academic progress as a result of the move.

Examination Authorities

This may be for registration purposes, to allow the students at our school to sit examinations set by external examination bodies.

Health Authorities

As obliged under health legislation, Infiniti School may pass on information regarding the health of children in our school to monitor and avoid the spread of contagious diseases in the interest of public health.

Police and Courts

If a situation arises where a criminal investigation is being carried out we may have to forward information onto the police to aid their investigation. We will pass information onto the Courts as and when it is ordered.

Social Workers and Support Agencies

In order to protect or maintain the welfare of our students, and in cases of child abuse, it may be necessary to pass personal data on to social workers and support agencies.

Educational Division

The school may be required to pass data on in order to help the government to monitor the national educational system and enforce laws relating to education.

Right to be Forgotten

Where any personal data is no longer required for its original purpose, an individual can demand that the processing is stopped and all their personal data is erased by the school including any data held by contracted processors.

Photographs and Videos



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Images of staff and students may be captured at appropriate times and as part of educational activities for use in school only.

Unless prior consent from parents/students/staff has been given, the school shall not utilise such images for publication or communication to external sources.

It is the school's policy that external parties (including parents) may not capture images of staff or students during such activities without prior written consent.

Recruitment

For information on how we handle your data in regards to recruitment, please see our recruitment policy.

Data Security and Storage of Data

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, USB sticks and hard drives are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards or left anywhere else where there is general access
- Passwords that are at least 8 characters long containing numbers and letters are used to access computers, laptops and other electronic devices. Staff and students are reminded to change their passwords regularly
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, students or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment.

Sensitive or personal information and data should not be removed from the school; however, the school acknowledges that some staff may need to transport data between the school and their home in order to access it for work in the evenings and at weekends. This may also apply in cases where staff have offsite meetings, or are on school visits with pupils.

The following guidelines are in place for staff in order to reduce the risk of personal data being compromised:

- Paper copies of data or personal information should not be taken off site. If these are misplaced they are easily accessed. If there is no way to avoid taking a paper copy of data off the school site, the information should not be on view in public places, or left unattended under any circumstances.
- Unwanted paper copies of data, sensitive information or student files should be shredded. This also applies to handwritten notes if the notes reference any other staff member or student by name.
- Care must be taken to ensure that printouts of any personal or sensitive information are not left in print trays or photocopiers.
- If information is being viewed on a PC, staff must ensure that the window and documents are properly shut down before leaving the computer unattended. Sensitive information should not be viewed on public computers.



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- If it is necessary to transport data away from the school, it should be downloaded onto a USB stick. The data should not be transferred from this stick onto any home or public computers. Work should be edited from the USB and saved onto the USB only.
- Individual files on the USB stick which contain data or personal information must be password protected.

These guidelines are clearly communicated to all school staff, and any person who is found to be intentionally breaching this conduct will be disciplined in line with the seriousness of their misconduct.

Cookies

A cookie (sometimes also referred to as a browser cookie, HTTP cookie, Internet cookie or Web cookie) is a small file sent from a web server to your computer whenever you visit a website. The Infiniti School website (www.infinitischool.co.uk) uses cookies for the following purposes.

Name of Cookie	Purpose
Cache Storage	Cache is used to store online page resources such as images to help the website open quicker the next time you visit it.
dps_site_id	Optimising the speed and performance of the website. This is a session cookie and will be deleted from your computer when the browser is closed.
Service Workers	Opening the door to features that don't need a web page or user interaction including features like push notifications and background sync.

We use Go Daddy to build our website so there may be additional cookies run by them. Go Daddy have their own privacy and cookies policies, so remember that the information you give them will follow their rules and not ours.

These cookies do not store any personally identifiable information.

Website

We do not automatically collect personal data from you when you visit our website.

We collect your data when you complete the contact form on our website. This data includes your name and email address. This data will be stored in compliance with ICO regulations, after which it will be discarded as per our data disposal policy detailed below.

Data Disposal

The school recognises that the secure disposal of redundant data is an integral element to compliance with legal requirements and an area of increased risk.

All data held in any form of media (paper or electronic) shall be securely disposed of. Disposal of IT assets holding data shall be in compliance with ICO guidance:

https://ico.org.uk/media/for-organisations/documents/1570/it_asset_disposal_for_organisations.pdf

Other Data Protection Rights of the Individual

In addition to the right to make a subject access request and to receive information when we are collecting their data about how we use and process it, 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, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement) that might negatively affect them
- Prevent processing that is likely to cause damage or distress
- 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)

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:

- 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
- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedom of individuals, and when introducing new technologies
- Integrating data protection into internal documents including this policy and 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 training
- Maintaining records of our processing activities, including:
 - For the benefit of data subjects, making the name and contact details of the person responsible for data protection and all information we are required to share about how we use and process their personal data (privacy notice)
 - For all personal data that we hold, maintaining an internal report of the type of data, data subject, how and why we are using the data, any third party recipients, how and why we are storing the data, retention schedule and how we are keeping the data secure.

Personal Data Breaches

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in the school context may include but are not limited to:

- Safeguarding information being made available to an unauthorised person
- The theft of a laptop/phone containing non-encrypted personal data about pupils
- Loss of a non-encrypted USB stick



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Appendix 1 – Personal Data Breach Procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the headteacher.

The report will be investigated and determine whether a breach has occurred. The decision will be based on 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 persons

The headteacher will alert the board of governors.

All reasonable efforts to contain and minimise the impact of the data breach, assisted by relevant staff members or data processors where necessary.

The potential consequences will be assessed, based on how serious they are and how likely they are to happen.

The headteacher will decide whether the breach needs to be reported to the ICO. This must be judged on a case by case basis. It will be considered whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (for example emotional stress) including through:

- Loss of control over their data
- Discrimination
- Identity theft or fraud
- Financial loss
- Unauthorised reversal of pseudonymisation (for example key coding)
- Damage to reputation
- Loss of confidentiality
- Any other significant economic or social disadvantage to the individual(s) concerned

If it is likely that there will be a risk to people's rights and freedoms, the ICO must be informed.

The decision must be documented (either way) in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored in the GDPR file in the headteacher's office.

If the ICO must be notified, this must be done within 72 hours of noticing the breach. This is done via the 'report a breach' page on the ICO website. As required, the information given will be:

- A description of the nature of the breach, including where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
- The name and contact details of the headteacher
- A description of the likely consequences of the personal data breach



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- A description of measures that have been, or will be taken, to deal with the data breach and mitigate any possible adverse effects on the individuals concerned
- If all the above details are not yet known, the headteacher will report as much as they can within 72 hours of the breach. The report will explain that there is a delay, the reasons why and when the further information will be available.
- The headteacher will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the individuals will be informed in writing. This notification will set out:
 - The name and contact details of the headteacher
 - 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 data breach and mitigate any possible adverse effects on the individuals concerned
- The headteacher will notify any relevant third parties who can help mitigate the loss to individuals – for example the police, insurers, bank or credit card companies
- The headteacher will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again

Records of all breaches will be stored in the GDPR file in the headteacher's office.

The headteacher and the governors will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

Actions to Minimise the Impact of Data Breaches

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

- Sensitive information being disclosed via email (including safeguarding records)
 - If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
 - Members of staff who receive personal data sent in error must alert the sender and the headteacher as they become aware of the error
 - If the sender is unavailable or cannot recall the email for any reason, the headteacher will ask the ICT providers to recall it
 - In any cases where the recall is unsuccessful, the headteacher will contact the relevant unauthorised individuals who received the email, explain that the information was sent in error and request that those individuals delete the information and do not share, publish, save or replicate it in any way
 - The headteacher will ensure we receive a written response from all the individuals who received the data, confirming that they have completed the request

If you are unhappy with the way we process your data in any way, you can make a complaint directly to the Information Commissioner's Office here: <https://ico.org.uk/make-a-complaint/>