GDPR Policy

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Aims

Creative Learning aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Bill.

This policy applies to all personal data, regardless of whether it is in paper or electronic format. Legislation and Guidance. This policy meets the requirements of the GDPR and the expected provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests. 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.

Definitions

Term	Definition
Personal data	
	Data from which a person can be identified, including data that, when combined with other readily available information. leads to a person being identified. This may include the individual's: • Name (including initials) • Identification number • Location data • Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.

Special categories of personal data (sensitive data)	Personal data which is more sensitive and so needs more protection, including information about an individual's such as: • Contact details • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation • Alleged or committed offences • Criminal convictions
Processing	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.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

The Data Controller

Creative Learning processes personal data relating to parents, pupils, staff, members of the Management Committee, visitors, and others, and therefore is a data controller. Creative Learning is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

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

The Management Committee

The governing board has overall responsibility for ensuring that Creative Learning complies with all relevant data protection obligations.

Data Protection Officer

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.

Executive Headteacher and Operations Manager

Operations Manager acts as the representative of the data controller on a day-to-day basis. They will ensure that all staff are aware of their data protection obligations and oversee any queries relating to the storing or processing of personal data. The Operations Manager will also be the first point of contact for any potential or real data breaches, liaising with Senior Leadership Team (SLT) and the DPO as necessary.

All Staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy • Informing admin staff of any changes to their personal data, such as a change of address
- Contacting the Operations Manager 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 European Economic Area ○ If there has been a data

    breach (or a possible 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 Protection Principles

The GDPR is based on the following data protection principles, or rules for good data handling:

- Data shall be processed lawfully, fairly and in a transparent manner in relation to individuals
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

This policy sets out how our aims to comply with these principles.

Collecting Personal Data

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 we can fulfil a contract with the individual, or the individual has asked Creative Learning to take specific steps before entering into a contract
- The data needs to be processed so that Creative Learning can comply with a legal obligation
- The data needs to be processed to ensure the vital interests of the individual e.g. to protect someone's life
- The data needs to be processed, so 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 Creative Learning 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 which are set out in the GDPR and Data Protection Act 2018.

Students and Parents

We hold personal data about students to support teaching and learning, to provide pastoral care and to assess how we are performing. We may also receive data about pupils from other

organisations including, but not limited to, other schools, Local Authorities, the Department for Education and the National Health Service.

This data includes, but is not restricted to:

- Contact details
- Results of internal assessment and externally set tests
- Data on student characteristics, such as ethnic group or Special Educational Needs and Disabilities
- Exclusion information
- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about students with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this Policy.

We are required, by law, to pass certain information about students to specified external bodies, such as our Local Authority and the Department for Education, so that they can meet their statutory obligations.

Staff

We process data relating to those we employ to work at, or otherwise engage to work at Creative Learning. The purpose of processing this data is to assist in the running of Creative Learning, including to:

- enable individuals to be paid
- facilitate safer recruitment practice
- support the effective performance management of staff
- improve the management of workforce data across the education sector
- inform our recruitment and retention policies
- allow better financial modelling and planning
- enable monitoring of people with, and without, Protected Characteristics under the Equality Act

Staff personal data includes, but is not limited to, information such as:

- contact details, next of kin
- National Insurance numbers
- salary information
- qualifications
- absence data
- personal characteristics/protected characteristics
- medical information
- outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about staff with third parties without consent unless the law allows us to. This may include advisers such as our Occupational Health and our Human Resources advisers.

We are required, by law, to pass certain information about staff to specified external bodies, such as our Local Authority and the Department for Education, so that they can meet their statutory obligations.

Any staff member wishing to see a copy of information about them that Creative Learning holds should contact the Operations Manger.

Sharing Personal Data

We will not normally share personal data with anyone else, but may do so 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
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – 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 personal data is sufficiently anonymised or consent has been provided

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

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Subject Access Requests and Other Rights of Individuals

Subject Access Requests

Under the GDPR, staff, pupils and parents¥carers have a right to request access to information the school holds about them. This is known as a Subject Access Request.

Subject Access Requests must be submitted in writing, either by letter or email. Requests should include:

- The subjects name
- A correspondence address
- A contact number and email address
- Details about the information requested

Creative Learning will not reveal the following information in response to Subject Access Requests:

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

Subject Access Requests for all or part of the student's educational record will be provided within 15 school days.

If a Subject Access Request does not relate to the educational record, we will respond within 1 calendar month.

If staff receive a subject access request, they must immediately forward it to the Operations Manager, who will liaise with the Executive headteacher and the DPO as appropriate.

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/ carers of pupils at Creative Learning 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.

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
- 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 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.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

Other Data Protection 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, 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)

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.

Parental Requests to See the Educational Record

Creative Learning is monitored by the Local Authority. This means that parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil, such as records of the pupil's academic achievements as well as correspondence from our staff, Local Authority employees and educational professionals engaged by the Creative Learning. It may also include information from the child and from parents. Information provided from another child or parents would not form part of the child's educational record.

Photographs and Videos

As part of the Creative Learning activities, we may take photographs and record images of individuals within the Creative Learning.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Uses may include:

- Within our display boards and on reception monitors
- In our prospectus
- Outside of Creative Learning by external agencies such as a school photographer, newspapers, local publications

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.

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not use any further.

Data Accuracy and Integrity

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 privacy impact assessments where our 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)
- 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

Data held will be as accurate and as up to date as reasonably possible. If a data subject (or parent in the case of a pupil) informs Creative Learning of a change in circumstances, then records will be updated as soon as possible. If Creative Learning receives a challenge to the accuracy of data held, we will mark the record accordingly. If the event of a dispute, we will try to resolve the matter informally, seeking advice from our DPO. If the matter cannot be resolved in this way, then it will be referred to our Management Committee under Creative Learnings Complaint policy and procedure.

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, on staffroom tables, pinned to notice/display boards, 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 Other our office
- Passwords that are at least 8 characters long containing letters and numbers are used to access Creative Learning computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for Creative Learning 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)

Disposal of Records

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.

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 our behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

Personal Data Breaches

Creative Learning 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 immediately investigate and seek advice from our DPO. When appropriate, we will report the data breach to the ICO within 72 hours. Such breaches in a PRU context may include, but are not limited to:

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

Training

All staff and members of our SLT are provided with data protection training as part of their induction process. Data protection will also form part of continuing professional development, where changes to legislation, guidance or our processes make it necessary.

Monitoring Arrangements

The SLT is responsible for monitoring the policy and reviewing every two years. The policy will be updated following changes in legislation.

Links with Other Policies

Where appropriate, other policies and procedure will follow the principles in this policy. For example, pupil related privacy notices are included in In reach packs, staff induction includes GDPR responsibilities and privacy notices and the Freedom of Information policy.

Contacts

The DPO can be contacted by email Callie.kingdon@clbristol.co.uk

Review

This policy is effective from 3rd July 2023 and will be reviewed by 02st July 2024.

Callie Kingdon

Managing Director and Designated and Safeguard Lead.

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