THE CLAXTON TRUST

INSPIRATION THROUGH COLLABORATION

Data Protection

Approved by: Trust Board

Last reviewed: July 2023

Next review due: July 2024

DATA PROTECTION

Scope

This policy is written and approved at board level, but applies to all members, trustees, governors and employees of schools, settings, and services, hereafter the 'organisations,' within The Claxton Trust.

It has been created using model policies created by The Key and Herts for Learning and has therefore been produced in consultation with external advisors and the professional associations/trade unions.

1. Aims

Our schools, settings and services aim to ensure that all personal data collected about staff, pupils, parents, governors, visitors, and other individuals is collected, stored, and processed in accordance UK data protection law.

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

2. Legislation and guidance

This policy meets the requirements of the:

- UK GDPR (UK General Data Protection Regulation) – the EU (European Union) GDPR was incorporated into UK legislation, with some amendments, by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020
- Data Protection Act 2018 (DPA 2018)

It is based on guidance published by the Information Commissioner's Office (ICO) on the UK GDPR and guidance from the Department for Education (DfE) on Generative artificial intelligence in education.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to the use of biometric data.

It also reflects the ICO's guidance for the use of surveillance cameras and personal information.

In addition, this policy complies with our funding agreement and articles of association.

3. Definitions

TERM	DEFINITION
Personal data	Any information relating to an identified, or identifiable, living individual. 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.

TERM	DEFINITION
Special categories of personal data	Personal data, which is more sensitive and so needs more protection, including information about an individual's: › 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
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 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.

4. The data controller

The Claxton Trust is a multi-academy trust and is the data controller for all the personal data processed by its schools, settings, and services. For a list of the organisations within the trust, please follow this link: www.claxtontrust.org.uk

The trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all employees of the trust**, and to external organisations or individuals working on our behalf, including volunteers. Employees who do not comply with this policy may face disciplinary action.

5.1 Trust board

The trust board sets out the rules on data protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation, and destruction of personal information.

5.2 Local governing body

The local governing body has overall responsibility for ensuring that the school complies with all relevant data protection obligations.

5.3 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.

This post is held at trust level by **Robert Staples: robert.staples@claxtontrust.org.uk**

The DPO's name and contact details are published on the website of the individual school, setting or service within our trust, and the trust website.

The DPO will play a leading role in embedding essential aspects of the GDPR into the trust's culture, from ensuring the data protection principles are respected to preserving data subject rights, recording data processing activities and ensuring the security of processing.

The DPO should be involved, in a timely manner, in all issues relating to the protection of personal data. To do this, the GDPR requires that DPOs are provided with the necessary support and resources to enable the DPO to effectively carry out their tasks. Factors that should be considered include the following:

- senior management support;
- time for DPOs to fulfil their duties;
- adequate financial resources, infrastructure (premises, facilities, and equipment) and staff where appropriate;
- official communication of the designation of the DPO to make known existence and function within the organisation;
- access to other services, such as HR, IT, and security, who should provide support to the DPO;
- continuous training so that DPOs can stay up to date regarding data protection developments;
- where a DPO team is deemed necessary, a clear infrastructure detailing roles and responsibilities of each team member;
- whether the trust should give the DPO access to external legal advice to advise the DPO on their responsibilities under this data protection policy.

The DPO is responsible for ensuring that the trust's processing operations adequately safeguard personal data, in line with legal requirements. This means that the governance structure within the trust must ensure the independence of the DPO.

The trust will ensure that the DPO does not receive instructions in respect of the carrying out of their tasks, which means that the DPO must not be instructed how to deal with a matter, such as how to investigate a complaint or what result should be achieved. Further, the DPO should report directly to the highest management level, i.e. the board of directors.

The requirement that the DPO reports directly to the board of directors ensures that the trust's directors are made aware of the pertinent data protection issues. If the trust decides to take a certain course of action despite the DPO's advice to the contrary, the DPO should be given the opportunity to make their dissenting opinion clear to the board of directors and to any other decision makers.

A DPO appointed internally by the trust is permitted to undertake other tasks and duties for the organisation, but these must not result in a conflict of interests with his or her role as DPO. It follows that any conflict of interests between the individual's role as DPO and other roles the individual may have within the organisation impinge on the DPO's ability to remain independent.

To avoid conflicts the DPO cannot hold another position within the organisation that involves determining the purposes and means of processing personal data. Senior management positions such as chief executive, chief financial officer, head of marketing, head of IT or head of human resources positions are likely to cause conflicts. Some other positions may involve determining the purposes and means of processing, which will rule them out as feasible roles for DPOs.

In the light of this and if the trust decides to appoint an internal DPO, the trust will take the following action to avoid conflicts of interests:

- identify the positions incompatible with the function of DPO;
- draw up internal rules to this effect to avoid conflicts of interests which may include, for example, allocating some of the DPO's other duties to other members of staff, appointing a deputy DPO and / or obtaining advice from an external advisor if appropriate;
- include a more general explanation of conflicts of interests;
- declare that the DPO has no conflict of interests regarding his or her function as a DPO, as a way of raising awareness of this requirement.
- Include safeguards in the internal rules of the organisation and ensure that the job specification for the position of DPO or the service contract is sufficiently precise and detailed to avoid conflicts of interest.

- External service providers will have different considerations over conflicts of interests, such as whether other advice provided to the organisation (for example, relating to the organisation's use of personal data) would affect their independence in the role of DPO.

If you consider that the policy has not been followed in respect of personal data about yourself or others, you should raise the matter with the DPO.

The DPO will provide an annual report of their activities directly to the board of trustees and, where relevant, report to the board their advice and recommendations on school data protection issues.

5.2 Data protection lead

Each school, setting and service identifies a local data protection lead (DPL). This will usually be the headteacher or service manager. They are responsible for:

- overseeing the implementation of this policy and monitoring compliance at a local level
- maintaining a current understanding of latest data protection legislation, guidance, and best practice
- ensuring all staff receive relevant training and support
- receiving reports of local data breaches and ensuring these are reported to the DPO
- acting as the representative of the data controller on a day-to-day basis.

5.4 All employees

Employees 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 a change of address
- Contacting the DPL 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 if they have a lawful basis to use personal data for a specific purpose
    - 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
    - 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

The UK GDPR is based on data protection principles that our school must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- This policy sets out how the school aims to comply with these principles.
- 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

7. Collecting personal data

7.1 Lawfulness, fairness, and transparency

We will only process personal data where we have 1 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 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 or another person i.e. 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 or exercise its official authority
- The data needs to be processed for the legitimate interests of the school (where the processing is not for any tasks the school performs as a public authority) 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 1 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 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 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 the school's record retention schedule.

8. Sharing personal data

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 employees 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 employees 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:

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 employees.

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.

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 the school 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 is not possible, the criteria used to determine this period

- The source of the data, if not the individual
- 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 must be submitted in writing, either by letter, email, or fax to the DPO. They should include:

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

If employees receive a subject access request, 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 not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, subject access requests from parents or carers of pupils who are younger than 12 may be granted without the express permission of the pupil.

Children aged 12 and above are regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, subject access requests from parents or carers of pupils who are older than 12 may not be granted without the express permission of the pupil.

These are not rules 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
- 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 cannot anonymise, and we do not 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 consider 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 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 (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing that has been justified based on 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 employees receive such a request, they must immediately forward it to the DPO.

10. Parental requests to see the educational record

As we operate within a multi-academy trust, there is no automatic parental right of access to the educational record in our schools, settings, or services.

11. Biometric recognition systems

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use fingerprints to receive school dinners instead of paying with cash, we will comply with the requirements of the Protection of Freedoms Act 2012.

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils. For example, pupils can pay for school dinners in cash at each transaction if they wish.

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).

Where employees or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it and provide alternative means of accessing the relevant service if they object. Employees and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

12. CCTV

CCTV may be used in various locations around the site to ensure it remains safe. We will adhere to the ICO's code of practice for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Data Protection Lead in each school, setting or service, whose name will be published on their website.

13. Photographs and videos

As part of our school activities, we take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for the following uses:

- internal use on displays in school
- external use on the official school website and social media pages
- external use by other agencies, such as the school photographer, newspapers, marketing

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.

Any photographs and videos taken by parents/carers at school 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 have agreed to this.

14. Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils, and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Gemini.

The Claxton Trust recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, The Claxton Trust will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

15. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all 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 the school's processing of personal data presents an elevated risk to rights and freedoms of individuals, and when introducing innovative 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 employees 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
- Maintaining records of our processing activities, including:

- For the benefit of data subjects, making available the name and contact details of our school 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, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

16. 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, employees must sign it in and out from the school office
- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops, and other electronic devices. Employees 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
- Employees, pupils, or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our e-safety policy)
- 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)

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

18. 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 a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

19. Training

All employees, governors and trustees 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 the school's processes make it necessary.

20. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy, in liaison with the DPL in each school, setting and service.

This policy will be reviewed and updated, if necessary, when the Data Protection Bill receives royal assent and becomes law (as the Data Protection Act 2018) – if any changes are made to the bill that affect our school's practice. Otherwise, or from then on, this policy will be reviewed **every year** and shared with the full governing board.

21. Links with other policies

This data protection policy is linked to the following policies held at trust level:

- Capability
- Complaints Policy
- Complaints Procedure
- Corporate Health & Safety
- Disciplinary
- Family Provisions
- Gifts & Hospitality
- Governor, Trustee & Member Allowances
- Grievance
- Harassment & Bullying
- Induction (MAT level)
- Pay & Performance Appraisal
- Procurement and Tendering
- Restrictive Physical Intervention
- Risk Management
- Redundancy & Restructuring
- Safer Recruitment & Selection
- Safeguarding
- Shared Parental Leave
- Whistleblowing

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) by emailing robert.staples@theclaxtontrust.org.uk
- 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 and governors will co-operate 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 likely that is the case, the DPO will alert the headteacher and the chair of 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 later by the ICO, or an individual affected by the breach. Documented decisions are stored in the Data Breach Log held for each school, setting or service.
- 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 the school'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:
        - 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 DPO
    - A description of the 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 the school'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
- Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
    - A description, in clear and plain language, of the nature of the personal data breach

- The name and contact details of the DPO
- A description of the 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 individual(s) concerned

- The DPO will consider, considering the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks, or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
    - Facts and cause
    - Effects
    - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)

  Records of all breaches will be stored in the Data Breach Log for each school, setting or service.
- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO and headteacher will meet regularly to assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches

Actions to minimise the impact of data breaches

We set out below the steps we might take to try and mitigate the impact of diverse types of data breach if they were to occur, 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 DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the [ICT department/external IT support provider] to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- In any cases where the recall is unsuccessful or cannot be confirmed as successful, the DPO will consider whether it's appropriate to 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 DPO will endeavour to obtain a written response from all the individuals who received the data, confirming that they have complied with this request
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its 3 local safeguarding partners

Other types of breach that you might want to consider could include:

- Details of pupil premium interventions for named children being published on the school website
- Non-anonymised pupil exam results or staff pay information being shared with governors
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked
- The school's cashless payment provider being hacked, and parents' financial details stolen

- Hardcopy reports sent to the wrong pupils or families