



# Data Protection and Freedom of Information Policy

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## Document Control

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3.0	15/07/2019	CIO	Updated with Board comment to include reference to DPIAs. Removed data retention schedule and replaced with reference to BMAT Records Management policy. Removed 'Draft' watermark

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**Schools,  
teachers and  
pupils freed  
to succeed.**  
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# Context

The purpose of this policy is to describe how BMAT intends to handle Personal Data, in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA), as well as ensure the rights of data subjects are protected and available.

This policy should be read in conjunction with BMAT's other policies, as set out below:

- Single Equality Policy
- Behaviour Policy
- Acceptable Use Policy
- Social Media Policy
- Staff Code of Conduct
- Records Management Policy

This policy is intended to ensure that personal information is dealt with in accordance with the General Data Protection Regulation ("the GDPR"), and the UK Data Protection Act (2018), along with other related legislation. It incorporates the BMAT FOI Publication Scheme, which complies with the model scheme provided by the Information Commissioner's Office ("the ICO"). The policy applies to all personal data held by BMAT as a multi-academy trust and data held within each individual school within BMAT.

We are committed to the promotion of community cohesion in our Trust, local, national and global levels, comparing our Academy Trust community to its local and national context and implementing all necessary actions in relation to:

- ethnicity,
- religion or belief, and
- socio-economic background.

In accordance with the values of BMAT we pledge:

- to respect the equal human rights of all our pupils;
- to educate them about equality; and
- to respect the equal rights of our staff and other members of the Academy community.

We will assess and analyse our current Academy practices and implement all necessary resulting actions to ensure pupils and are not discriminated against because of their:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or belief
- Sex

- Sexual orientation
- Marriage and Civil Partnership
- Pregnancy or maternity

These 'Protected characteristics' have been set out in law in the Equality Act 2010. BMAT is committed to eliminating practices, which could result in unfair or less favourable treatment for persons with a protected characteristic.

Any Personal Data analysed in relation to the Equality Act will not have a detrimental effect on the data subject and no automated decision-making arises from such analysis.

## Key definitions used in this policy

<b>Pupils</b>	Children and young people on roll in Trust schools/academies
<b>School/Trust School</b>	An Academy or school within BMAT
<b>BMAT</b>	The Board, Trustees and employed individuals forming the leadership, management and staff of the Trust and its schools
<b>The Trust</b>	BMAT
<b>The Board/Directors/Trust Board</b>	The Board of Directors of BMAT
<b>Data Controller</b>	BMAT
<b>Data Subject(s)</b>	Any living person whose personal data is being collected, held or processed.
<b>Data Processor(s)</b>	Any third party instructed to process personal data on behalf of BMAT
<b>Personal Data</b>	Any information relating to an individual that identifies them, or could be used to identify them if combined with other data.

BMA	Burnt Mill Academy
CS	Cooks Spinney Primary Academy and Nursery
ESJ	Epping St John's
FHS	Forest Hall School
FW	Freshwaters Primary Academy and Nursery
LP	Little Parndon Primary Academy
MC	Magna Carta Primary Academy
RDA	Royal Docks Academy
RY	Roydon Primary Academy
SFG	Sir Frederick Gibberd
STEM	BMAT STEM

Each BMAT school is legally defined as an Academy, regardless of whether the term 'school' is used to describe it in the policy.

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## 1. Introduction

- 1.1. This policy is intended to ensure that personal information, whether held in digital or paper format, is dealt with securely and in accordance with the General Data Protection Regulation (GDPR) and other legislation. BMAT and its schools routinely collect and use certain types of personal information about staff, pupils, parents, stakeholders and other individuals. The purpose of collecting the data is either to comply with statutory obligations, or to support and conduct the business of education, school and multi-academy trust management.
- 1.2. This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed every 3 years.

## 2. Roles and responsibilities

- 2.1. BMAT is registered with the ICO as a data controller. The Board is accountable for ensuring that BMAT complies with data protection legislation. The management of day to day operational responsibilities for data protection is led by BMAT's Executive Team.
- 2.2. BMAT has an external Data Protection Officer (the "DPO"). The name and contact details for the DPO are set out in Appendix A. The DPO is responsible for supporting BMAT to monitor internal compliance, inform and advise on data protection obligations, provide advice regarding Data Protection Impact Assessments (DPIAs) and act as a contact point for data subjects and the ICO.
- 2.3. All staff are made aware of their obligations under this policy and under the GDPR through their induction programme and through regular staff updates. Further training opportunities are made available to staff, in particular those for whom data protection is of particular relevance to their role.

## 3. Personal data

- 3.1. In addition to the data defined above as Personal Data, the GDPR provides for a sub-set of personal data known as 'Special Category Personal Data'. This data is information that reveals:
  - race
  - ethnic origin
  - politics
  - religion
  - trade union membership
  - genetics
  - biometrics (where used for ID purposes)
  - health
  - sex life
  - sexual orientation.
- 3.2. BMAT does not usually collect Special Category Personal Data. Staff or students are under no obligation to disclose this (save to the extent that details of marital status and / or parenthood are needed for other purposes, e.g. pension entitlements).

## 4. Data processing

- 4.1. BMAT is committed to following the data protection principles of the GDPR. These principles have been incorporated within this policy.
- 4.2. All staff are required to treat Personal Data properly and securely through the procedures arising from this policy and through the Staff Code of Conduct.
- 4.3. All Pupils are required to treat Personal data properly and securely through the procedures arising from this policy and through the Pupil Acceptable Use Policy.
- 4.4. When requesting and storing Personal Data from individuals, BMAT will:
  - 4.4.1. clearly inform individuals about how and why we process their personal data
  - 4.4.2. ensure the information is accurate and provided freely
  - 4.4.3. review the data we hold for compliance with our data retention schedule (see Appendix B), ensure data is only held for as long as is necessary and that it remains up to date
  - 4.4.4. ensure that a Data Privacy Impact Assessment (DPIA) is undertaken where personal data is considered at high risk during processing, or where a major project or activity requires personal data to be processed
  - 4.4.5. ensure that data is disposed of appropriately
  - 4.4.6. ensure we have appropriate security measures in place to protect the data we hold
  - 4.4.7. share personal information with others only when necessary and when required to do so by law
  - 4.4.8. set out clear procedures for responding to subject access requests
  - 4.4.9. report any qualifying breaches of the GDPR to the ICO, under supervision from the DPO

## 5. Use of Personal Data

- 5.1. BMAT uses Personal Data to support and conduct the business of education, school and multi-academy trust development and management, as well as to comply with its statutory obligations
- 5.2. The personal data held regarding pupils includes contact details, assessment / examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs
- 5.3. The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the academy as a whole is doing, together with any other uses normally associated with this provision in a school environment
- 5.4. BMAT may seek explicit and specific consent from parents, or from students where they are aged 16 or over, to use certain personal data for fundraising, marketing or promotional purposes and to maintain relationships with pupils following graduation
- 5.5. The personal data held about staff will include contact details, employment history, information relating to career progression, information relating to DBS checks and photographs, as well as information required to administer terms and conditions of employment, including occupational pensions
- 5.6. BMAT may also store Personal Data relating to parents and carers in order to facilitate communication between home and school, including arrangements for safeguarding, medical needs and travel
- 5.7. The data is used to comply with legal obligations placed on BMAT and our schools, in relation to employment, and the education of children in a school environment. We may pass information to other

regulatory authorities where appropriate and may use names and photographs of staff in publicity and promotional material. Personal Data will also be used when giving references.

- 5.8. Staff should note that information about disciplinary action may be kept for longer than the duration of the sanction imposed, despite that sanction having concluded
- 5.9. Should staff wish to limit or object to the use of their data, they should notify the data protection lead for BMAT. If BMAT deem that it is inappropriate to limit the use of personal data in the way specified, the individual will be provided with a written explanation.
- 5.10. Access to DBS information is restricted to those staff who have a genuine need to have access to it for their role at BMAT. In addition to those provisions of the GDPR and the Data Protection Act 2018, disclosure of this information is restricted by section 124 of the Police Act 1997 and disclosure to third parties will only be made if it is determined to be lawful. Retention of DBS information is covered by the Data Retention Schedule (See Appendix B).

## **6. Storage and security of Personal data**

- 6.1. BMAT will take appropriate and proportional steps to ensure that resources are aligned and procedures are in place to support the continued, secure and effective availability of its IT systems and services
- 6.2. All staff will be made aware of cyber security threats and best practice in data security at their induction and through regular updates. Staff will also be required to immediately report suspicious activity on their accounts, loss of electronic devices and loss of data
- 6.3. Staff responsible for the support and maintenance of IT systems will receive additional training regarding cyber security
- 6.4. Availability and recovery of data is supported by the IT Disaster Recovery Policy
- 6.5. Where possible and where the means are proportionate, Personal Data will only be stored electronically and staff with access to the data will be required to avoid sharing or copying the data outside the host system. The data will be restricted using appropriate access controls and dissemination will be on a need to know basis only
- 6.6. Paper-based records of Personal data will be digitised or the data entered into electronic systems and the paper record destroyed, provided that doing so is lawful, appropriate and proportionate to the risk of a data breach or a violation of the GDPR.

## **7. Disclosure of Personal data to third parties**

- 7.1. BMAT will only disclose Personal Data to third parties where necessary, including where the GDPR provides for circumstances under which consent is not required (e.g. for the prevention of detection of a crime)
- 7.2. Where consent is received from the data subject for disclosure of their data to a third party, BMAT will ensure a privacy notice is provided when consent is sought. BMAT will ensure a data processing agreement is in place with the third party and make appropriate and proportionate enquiries of the third party in order to ensure proper and secure processing of the data

## **8. Confidentiality and pupil concerns**

- 8.1. BMAT understands that Pupils' Personal Data belongs to them and it is their right to have it protected



- 8.2. BMAT will comply with Pupils' requests that their Personal Data be kept confidential from their parents where they have raised a confidential concern with staff. Where BMAT has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where it believes disclosure will be in the best interests of the pupil or other pupils, this request will be denied.

## **9. Right to Access**

- 9.1. Requests made by individuals to see Personal data held about them by BMAT or a Trust school will be considered a subject access request. Where a pupil does not have sufficient understanding to make their own request, a person with parental responsibility may make a request on their behalf.
- 9.2. In responding to subject access requests, BMAT will adhere to the timeline, stipulations and exemptions
- 9.3. All subject access request responses will be reviewed by the Executive lead for data protection before disclosure takes place. A subject access request form and single point of contact will be provided via the Trust and school websites

## **10. Other rights of individuals under the GDPR**

- 10.1. BMAT will comply with its legal obligations to protect the rights of individuals, in particular the right of the individual to rectification, erasure, data portability and to object to the processing of their Personal data
- 10.2. Where individuals express their intention to BMAT to exercise their rights under the GDPR, notification will be provided to the Executive lead for data protection in order to ensure compliance in the form and timing of communication and of the action taken

## **11. Breach of any requirement of the GDPR**

- 11.1. Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is/ they are discovered, to the Executive lead for data protection
- 11.2. Once notified, Executive lead for data protection shall consult the DPO in order to assess the likely risk to individuals and whether to inform the ICO
- 11.3. In all cases of breach, the Executive lead for data protection will investigate the cause of the breach and create an action plan for mitigation of future breaches. This might include actions such as improving staff awareness, introducing new electronic systems or revising operational procedures. Breaches that pose a high risk to Data Subjects will also be reported to the ICO

## **12. Compliance with the Freedom of Information Act (FOI)**

- 12.1. BMAT will use the model FOI Publication Scheme provided by the ICO, in order to facilitate public access to the information it holds.
- 12.2. All relevant requests will be reviewed by the Executive lead for data protection and responded to in accordance with the stipulations of the FOI.
- 12.3. FOI requests that risk placing BMAT in breach of the GDPR, or where an exemption applies, will be refused. A written explanation for the refusal will be provided to the organisation or individual making the request.



## Appendix A – Contact Information

Requests or correspondence relevant to this policy should be directed to the contacts below, in the first instance.

Headteacher/Head of School	Please refer to school website for name and contact details.
BMAT Executive lead for data protection	<a href="mailto:contact@bmatrust.org.uk">contact@bmatrust.org.uk</a>
BMAT Data Protection Officer	GDPR in Schools, 11 Kingsley Lodge 13 New Cavendish Street, London, United Kingdom, W1G 9UG, <a href="mailto:dpois@gdpr.school">dpois@gdpr.school</a> , +44 (0)20 3961 0110

## Appendix B – Data Retention Schedule

The data retention schedule has been superceded by our Records Management policy. This policy can be found on the BMAT website, alongside the other policies.

Please use the contact form on the website should you need assistance.