



# THE BENTLEY WOOD TRUST

## DATA PROTECTION POLICY

**GB Committee Responsible:**

**Board of Directors**

**Reviewed by:**

Kieran Robinson/Paola Boyadjian/Marion Tam

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**Ratified by Local GB:**

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14<sup>th</sup> July 2021

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## **Statement of Intent**

The Bentley Wood Trust is required to keep and process certain information about its staff members and students in accordance with its legal obligations under the UK GDPR.

The schools may, from time to time, be required to share personal information about its staff or students with other organisations, mainly the LA, other schools and educational bodies, and potentially children's services.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how each school complies with the following core principles of the GDPR.

Organisational methods for keeping data secure are imperative, and The Bentley Wood Trust believes that it is good practice to keep clear practical policies, backed up by written procedures.

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## 1. Introduction

The Bentley Wood Trust, comprising Bentley Wood High School and Aylward Primary School, collects and uses personal information about staff, students, parents and other individuals who come into contact with the schools. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that each school complies with its statutory obligations.

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

## 2. Aims

Our Trust aims to ensure that all personal data collected about staff, students, parents, governors, visitors and other individuals is collected, stored and processed in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018).

## 3. Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 2018, and other related legislation. It will apply to all personal data regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

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

## 4. Legislation and Guidance

This policy meets the requirements of the UK GDPR and the provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the UK GDPR and the ICO's code of practice for subject access requests.

It meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data.

It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with regulation 5 of the [Education \(Student Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

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

## 5. Definitions

**Personal Data** – Any information relating to an identified, or identifiable, 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.

**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

<p><b>Processing</b> – 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.</p>
<p><b>Data Subject</b> – The identified or identifiable individual whose personal data is held or processed.</p>
<p><b>Data Controller</b> – A person or organisation that determines the purposes and the means of processing of personal data.</p>
<p><b>Data Processor</b> - A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.</p>
<p><b>Personal Data Breach</b> – A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.</p>
<p><b>Automated Processing</b> - Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.</p> <p>An example of automated processing includes profiling and automated decision making. Automatic decision making is when a decision is made which is based solely on automated processing (without human intervention) which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.</p>
<p><b>Data Protection Impact Assessment (DPIA)</b> - DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.</p>
<p><b>Criminal Records Information</b> - This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.</p>

## 6. The Data Controller

Our schools process personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller.

The Bentley Wood Trust is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required. Registration Reference: Z2768715.

## 7. Roles and Responsibilities

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

### 7.1 Governing Board

The governing board has overall responsibility for ensuring that each of our schools complies with all relevant data protection obligations. UK GDPR will be a regular agenda item for both schools.

### 7.2 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. The DPO reports to the highest level of management in the Trust, which is the Board of Directors.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on school/Trust data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO. Full details of the DPO's responsibilities are set out in their job description.

The contact details for our Data Protection Officer (DPO) are as follows: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

### 7.3 Headteacher

The Headteacher of each school acts as the representative of the data controller on a day-to-day basis.

### 7.4 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 a change of address
- Contacting the DPO 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
  - 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

## 8. Data Protection Principles

The School are responsible for and adhere to the principles relating to the processing of personal data as set out in the UK GDPR.

The principles the School must adhere to are set out below.

### Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner

The School only collect, process and share personal data fairly and lawfully and for specified purposes. The School must have a specified purpose for processing personal data and special category of data as set out in the UK GDPR.

Before the processing starts for the first time we will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. We will then regularly review those purposes whilst processing continues in order to satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e. that there is no other reasonable way to achieve that purpose).

#### Personal Data

The School may only process a data subject's personal data if one of the following fair processing conditions are met: -

- The data subject has given their consent;
- The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- To perform a task in the public interest or in order to carry out official functions as authorised by law;
- For the purposes of the School's legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

#### Special Category Data

The School may only process special category data if they are entitled to process personal data (using one of the fair processing conditions above) **AND** one of the following conditions are met: -

- The data subject has given their explicit consent;
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the School in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- Where the data has been made public by the data subject;
- To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;
- Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- Where it is necessary for reasons of public interest in the area of public health;
- The processing is necessary for archiving, statistical or research purposes.

The School identifies and documents the legal grounds being relied upon for each processing activity.

#### Consent

Where the School relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the UK GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured.

If explicit consent is required, the School will normally seek another legal basis to process that data. However if explicit consent is required the data subject will be provided with full information in order to provide explicit consent.

The School will keep records of consents obtained in order to demonstrate compliance with consent requirements under the UK GDPR.

#### **Principle 2: Personal data must be collected only for specified, explicit and legitimate purposes**

Personal data will not be processed in any manner that is incompatible with the legitimate purposes.

The School will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

#### **Principle 3: Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed**

The School will only process personal data when our obligations and duties require us to. We will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, the School shall delete or anonymise the data. [[Please refer to the School's Data Retention Policy for further guidance](#)].

#### **Principle 4: Personal data must be accurate and, where necessary, kept up to date**

The School will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the School.

**Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed**

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. The School will ensure that they adhere to legal timeframes for retaining data.

We will take reasonable steps to destroy or erase from our systems all personal data that we no longer require. We will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

Please refer to the School's Retention Policy for further details about how the School retains and removes data.

**Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage**

In order to assure the protection of all data being processed, the School will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -

- Encryption;
- Pseudonymisation (this is where the School replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);
- Ensuring authorised access (i.e. that only people who have a need to know the personal data are authorised to access it);
- Adhering to confidentiality principles;
- Ensuring personal data is accurate and suitable for the process for which it is processed.

The School follow procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

The School will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

## **9. Sharing Personal Data**

The School will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. These include if the third party: -

- Has a need to know the information for the purposes of providing the contracted services;
- Sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;
- The third party has agreed to comply with the required data security standards, policies and procedures and put adequate security measures in place;
- The transfer complies with any applicable cross border transfer restrictions; and
- A fully executed written contract that contains UK GDPR approved third party clauses has been obtained.

There may be circumstances where the School is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities, for example, the local authority, Ofsted or the department of health. These authorities are up to date with data protection law 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 written notifications and details and basis for sharing that data given.



## **9.1 Transfer of Data Outside the European Economic Area (EEA)**

The UK GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the UK GDPR is not undermined.

The School will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the UK GDPR. All staff must comply with the School's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

## **9.2 Transfer of Data Outside the UK**

The School may transfer personal information outside the UK and/or to international organisations on the basis that the country, territory or organisation is designated as having an adequate level of protection or that the organisation receiving the information has provided adequate safeguards by way of binding corporate rules, standard data protection clauses or compliance with an approved code of conduct.

Privacy statements for staff and students/parents can be found in Appendix 1.

## **10. Subject access requests and other rights of individuals**

### **10.1 Subject access requests**

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust 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 isn't possible, the criteria used to determine this period
- 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

Subject access requests must be submitted in writing, either by letter or email to the DPO. They should include:

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

If staff receive a subject access request they must immediately forward it to the DPO.

Any Data Subject who wishes to obtain the above information must notify the School in writing of his or her request. This is known as a Data Subject Access Request.

The request can be forwarded to either the Head Teacher or the DPO.

See Appendix 2 for Subject Access Request form

### **10.2 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 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 Trust 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.

### **10.3 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 will not disclose information if it:

- Might cause serious harm to the physical or mental health of the student 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.

#### **10.4 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 9), 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.

#### **10.5 Direct Marketing**

The School are subject to certain rules and privacy laws when marketing. For example a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

The School will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. The School will promptly respond to any individual objection to direct marketing.

### **11. Parental requests to see the educational record**

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 student) within 15 school days of receipt of a written request.

### **12. Biometric Recognition Systems (Bentley Wood High School only)**

*Note that in the context of the Protection of Freedoms Act 2012, a "child" means a person under the age of 18.*

Where we use students' biometric data as part of an automated biometric recognition system (for example, students use finger prints 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 students 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 students. For example, we will issue a PIN number to individuals who have not consented.

Parents/carers and students 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 student 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 student's parent(s)/carer(s).

Where staff members 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. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

### **13. CCTV**

We use CCTV in various locations around each school's site to ensure it remains safe. We will adhere to the ICO's [code of practice](#) for the use of CCTV. For further detail see CCTV Policy.

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 Director of Data & Operations (Bentley Wood) or School Business Manager (Aylward).

### **14. Photographs and Videos**

As part of our schools' activities, we may take photographs and record images of individuals within our schools and on supervised authorised educational activities outside school.

We will obtain written consent from parents/carers, or students aged 18 and over, for photographs and videos to be taken of students for communication, marketing and promotional materials and to improve educational provision.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.

Uses may include:

- Within each school on notice boards, displays and in school magazines, brochures, newsletters, etc.
- Outside of each school by external agencies such as the school photographer, newspapers, campaigns
- Online on our schools' websites or social media pages

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 except first name and year group, to ensure they cannot be identified.

### **15. 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:

- 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 a high risk to rights and freedoms of individuals, and when introducing new 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 members of staff on data protection law, this policy, any related policies, staff handbook 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 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 Protection Impact Assessments (DPIAs)

In order to achieve a privacy by design approach, the School conduct DPIAs for any new technologies or programmes being used by the School which could affect the processing of personal data. In any event the School carries out DPIAs when required by the UK GDPR in the following circumstances: -

- For the use of new technologies (programs, systems or processes) or changing technologies;
- For the use of automated processing;
- For large scale processing of special category data;
- For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

Our DPIAs contain: -

- A description of the processing, its purposes and any legitimate interests used;
- An assessment of the necessity and proportionality of the processing in relation to its purpose;
- An assessment of the risk to individuals; and
- The risk mitigation measures in place and demonstration of compliance.

## 17. 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 and keys kept secure.
- 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, other than SLT/SLG must gain approval from SLT/SLG prior to doing this.
- Passwords that are at least 8 characters long containing letters and numbers are used to access each school's computers, laptops and other electronic devices. Staff and students 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, students 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 ICT/Online Safety Policy including Acceptable Use Agreement).
- 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 10)

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

## 19. Personal Data Breaches

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

The term 'Personal Data Breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

In the unlikely event of a suspected data breach, we will follow the procedure set out in the Trust's Data Breach Policy.

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 students eligible for the student premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about students

All data breaches, including those which are non-reportable to the ICO, are recorded.

## 20. Training

All staff and governors are provided with data protection training as part of their induction process and an annual update.

Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

## 21. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

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 **annually** and shared with the local governing board at each school and the Board of Trustees.

## 22. Links with other policies

This data protection policy is linked to our:

- Bentley Wood Trust Freedom of Information Publication Scheme
- Bentley Wood Trust School Management of Records Policy
- Bentley Wood Trust
- ICT and Online safety
- CCTV Policy
- Child Protection Policy and Procedures (Safeguarding)

## Appendix 1: Privacy Notices



### Privacy notice – How we Use Student and Parent Information

Bentley Wood Trust is committed to protecting the privacy and security of personal information. This privacy notice describes how we collect and use personal information about students, in accordance with the UK General Data Protection Regulation (UK GDPR), section 537A of the Education Act 1996 and section 83 of the Children Act 1989.

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

#### **Who Collects This Information**

Bentley Wood Trust is a “data controller.” This means that we are responsible for deciding how we hold and use personal information about students and parents.

#### **The Categories Of Student Information That We Collect, Process, Hold And Share**

We may collect, store and use the following categories of personal information about you: -

- Personal information such as name, student number, date of birth, gender and contact information;
- Emergency contact and family lifestyle information such as names, relationship, phone numbers and email addresses;
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility);
- Attendance details (such as sessions attended, number of absences and reasons for absence);
- Post 16 learning information;
- Performance and assessment information;
- Behavioural information (including exclusions);
- Special educational needs information;
- Relevant medical information;
- Special categories of personal data (including [biometric data, ethnicity, relevant medical information, special educational needs information]);
- Images of students engaging in school activities, and images captured by the School’s CCTV system;
- Recordings of students and/or parents from the School’s video conferencing platform;
- Information about the use of our IT, communications and other systems, and other monitoring information;

#### **Collecting This Information**

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the UK General Data Protection Regulation, we will inform you whether you are required to provide certain student information to us or if you have a choice in this.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

### **How We Use Your Personal Information**

We hold student data and use it for: -

- Student selection (and to confirm the identity of prospective students and their parents);
- Providing education services and extra-curricular activities to students, and monitoring students' progress and educational needs;
- Informing decisions such as the funding of schools;
- Assessing performance and to set targets for schools;
- Safeguarding students' welfare and providing appropriate pastoral (and where necessary medical) care;
- Support teaching and learning;
- Giving and receive information and references about past, current and prospective students, and to provide references to potential employers of past students;
- Managing internal policy and procedure;
- Enabling students to take part in assessments, to publish the results of examinations and to record student achievements;
- To carry out statistical analysis for diversity purposes;
- Legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with legal obligations and duties of care;
- Enabling relevant authorities to monitor the school's performance and to intervene or assist with incidents as appropriate;
- Monitoring use of the school's IT and communications systems in accordance with the school's IT security policy;
- Making use of photographic images of students in school publications, on the school website and on social media channels;
- Security purposes, including CCTV; and
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the school.

### **The Lawful Basis On Which We Use This Information**

We will only use your information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Consent: the individual has given clear consent to process their personal data for a specific purpose;
- Contract: the processing is necessary for a contract with the individual;
- Legal obligation: the processing is necessary to comply with the law (not including contractual obligations);
- Vital interests: the processing is necessary to protect someone's life.
- Public task: the processing is necessary to perform a task in the public interest or for official functions, and the task or function has a clear basis in law; and
- The Education Act 1996: for Departmental Censuses 3 times a year. More information can be found at: <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

We need all the categories of information in the list above primarily to allow us to comply with legal obligations. Please note that we may process information without knowledge or consent, where this is require or permitted by law.

### **Sharing Data**

We may need to share your data with third parties where it is necessary. There are strict controls on who can see your information. We will not share your data if you have advised us that you do not want it shared unless it's the only way we can make sure you stay safe and healthy or we are legally required to do so.

We share student information with: -

- the Department for Education (DfE) - on a statutory basis under section 3 of The Education (Information About Individual Students) (England) Regulations 2013;
- Ofsted;
- Educational Development Trust- under section 507B of the Education Act 1996, to enable them to provide information regarding training and careers as part of the education or training of 13-19 year olds;
- Other Schools that students have attended/will attend;
- NHS;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- Local Authority Designated Officer;
- Professional advisors such as lawyers and consultants;
- Support services (including insurance, IT support, information security);
- Providers of learning software
- The Local Authority.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

### **Why We Share This Information**

We do not share information about our students with anyone without consent unless otherwise required by law.

For example, we share students' data with the DfE on a statutory basis which underpins school funding and educational attainment. To find out more about the data collection requirements placed on us by the DfE please go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Storing Student Data**

The School keep information about students on computer systems and sometimes on paper.

Except as required by law, the School only retains information about students for as long as necessary in accordance with timeframes imposed by law and our internal policy.

*Full details on how long we keep personal data for is set out in our data retention policy.*

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way).

### **The National Student Database**

The NPD is owned and managed by the Department for Education and contains information about students in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our students to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Students) (England) Regulations 2013.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-student-database-user-guide-and-supporting-information>.

The department may share information about our students from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis



- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to student information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided student information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-student-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

### **Requesting Access To Your Personal Data**

Under data protection legislation, parents and students have the right to request access to information about them that we hold. To make a request for your personal information, [or be given access to your child's education record], contact the Headteacher.

You also have the right to: -

- Object to processing of personal data that is likely to cause, or is causing, damage or distress;
- Prevent processing for the purposes of direct marketing;
- Object to decisions being taken by automated means;
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the data protection regulations.

If you want to exercise any of the above rights, please contact the Headteacher in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right To Withdraw Consent**

In circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Headteacher. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

## **Contact**

If you would like to discuss anything within this privacy notice or have a concern about the way we are collecting or using your personal data, we request that you raise your concern with the Headteacher in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Headteacher, then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

The Bentley Wood Trust contact details are as follows:-

<b>Bentley Wood High School</b> <b>Dr Janice Howkins (Headteacher)</b> Clamp Hill, Stanmore, HA7 3JW  Tel 020 8954 6323	<b>Aylward Primary School</b> <b>Clive Westall (Headteacher)</b> Pangbourne Drive Stanmore HA7 4RE  Telephone: 020 8958 9202
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You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues at <https://ico.org.uk/concerns>.

## **Changes To This Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.



## **Privacy notice for staff (How we use workforce information)**

Bentley Wood Trust is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your work relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

It applies to all current and former employees, workers and contractors.

Bentley Wood Trust is a "data controller." This means that we are responsible for deciding how we hold and use personal information about you.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### **The Categories of Information That We Collect, Process, Hold And Share**

We may collect, store and use the following categories of personal information about you: -

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Information collected during the recruitment process that we retain during your employment including references, proof of right to work in the UK, application form, CV, qualifications;
- Employment contract information such as start dates, hours worked, post, roles;
- Education and training details;
- Details of salary and benefits including payment details, payroll records, tax status information, national insurance number, pension and benefits information;
- Details of any dependants;
- Your nationality and immigration status and information from related documents, such as your passport or other identification and immigration information;
- Information in your sickness and absence records such as number of absences and reasons (including sensitive personal information regarding your physical and/or mental health);
- Criminal records information as required by law to enable you to work with children;
- Your trade union membership;
- Information on grievances raised by or involving you;
- Information on conduct and/or other disciplinary issues involving you;
- Details of your appraisals, performance reviews and capability issues;
- Details of your time and attendance records;
- Information about the use of our IT, communications and other systems, and other monitoring information;
- Details of your use of business-related social media;
- Images of staff captured by the School's CCTV system;
- Recordings of staff from the School's video conferencing platform;
- Your use of public social media (only in very limited circumstances, to check specific risks for specific functions within the School, you will be notified separately if this is to occur); and

- Details in references about you that we give to other;
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs.

### **How We Collect This Information**

- We may collect this information from you, your personnel records, the Home Office, pension administrators, your doctors, from medical and occupational health professionals we engage, the DBS, your trade union, other employees, other professionals we may engage (e.g. to advise us generally), automated monitoring of our websites and other technical systems such as our computer networks and connections, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

### **How We Use Your Information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.
- When you have provided us with consent to process your personal data.

We need all the categories of information in the list above primarily to allow us to perform our contract with you and to enable us to comply with legal obligations. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below: -

- To determine recruitment and selection decisions on prospective employees;
- In order to carry out effective performance of the employees contract of employment and to maintain employment records;
- To comply with regulatory requirements and good employment practice;
- To carry out vetting and screening of applicants and current staff in accordance with regulatory and legislative requirements;
- Enable the development of a comprehensive picture of the workforce and how it is deployed and managed;
- To enable management and planning of the workforce, including accounting and auditing;
- Personnel management including retention, sickness and attendance;
- Performance reviews, managing performance and determining performance requirements;
- In order to manage internal policy and procedure;
- Human resources administration including pensions, payroll and benefits;
- To determine qualifications for a particular job or task, including decisions about promotions;
- Evidence for possible disciplinary or grievance processes;
- Complying with legal obligations;
- To monitor and manage staff access to our systems and facilities in order to protect our networks, the personal data of our employees and for the purposes of safeguarding;
- To monitor and protect the security of our network and information, including preventing unauthorised access to our computer network and communications systems and preventing malicious software distribution;
- Education, training and development activities;
- To monitor compliance with equal opportunities legislation;
- To answer questions from insurers in respect of any insurance policies which relate to you;
- Determinations about continued employment or engagement;
- Arrangements for the termination of the working relationship;
- Dealing with post-termination arrangements;
- Health and safety obligations;
- Prevention and detection of fraud or other criminal offences; and

- To defend the School in respect of any investigation or court proceedings and to comply with any court or tribunal order for disclosure.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

### **How We Use Particularly Sensitive Information**

Sensitive personal information (as defined under the UK GDPR as “special category data”) require higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances: -

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme);
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else’s interests) and you are not capable of giving your consent.

We will use this information in the following ways: -

- Collecting information relating to leave of absence, which may include sickness absence or family related leave;
- To comply with employment and other laws;
- Collecting information about your physical or mental health, or disability status, to ensure your health and welfare in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to manage sickness absence and to administer benefits;
- Collecting information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting.
- To record trade union membership information to pay trade union premiums and to comply with employment law obligations.

### **Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

### **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances: -

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **Sharing Data**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include, but are not exclusive to the following: -

- the Department for Education (DfE);
- Ofsted;
- Prospective Employers;
- Welfare services (such as social services);
- Law enforcement officials such as police, HMRC;
- LADO;
- Training providers;
- Professional advisors such as lawyers and consultants;
- Support services (including HR support, insurance, IT support, information security, pensions and payroll);
- The Local Authority;
- Occupational Health;
- DBS; and
- Recruitment and supply agencies.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

## **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the School only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the School considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer an employee, worker or contractor of the company we will retain and securely destroy your personal information in accordance with our data retention policy.

The School typically retains personal data for 6 years subject to any exceptional circumstances or to comply with laws or regulations that require a specific retention period.

## **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know.

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

## **Your Rights Of Access, Correction, Erasure And Restriction**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a “subject access request”). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.

- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact the Headteacher in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right To Withdraw Consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Headteacher. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **How To Raise A Concern**

We hope that Bentley Wood Trust can resolve any query you raise about our use of your information in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Headteacher, then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

### **Changes To This Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact us**

If you have any questions, concerns or would like more information about anything mentioned in this privacy notice, please contact our **Data Protection Officer**: Our DPO contact details are as follows:-

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

The Bentley Wood Trust contact details are as follows:-

<b>Bentley Wood High School</b> <b>Dr Janice Howkins (Headteacher)</b> Clamp Hill, Stanmore, HA7 3JW  Tel 020 8954 6323	<b>Aylward Primary School</b> <b>Clive Westall (Headteacher)</b> Pangbourne Drive Stanmore HA7 4RE  Telephone: 020 8958 9202
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### **How Government uses your data**

The workforce data that we lawfully share with the DfE through data collections:

- informs departmental policy on pay and the monitoring of the effectiveness and diversity of the school workforce
- links to school funding and expenditure
- supports 'longer term' research and monitoring of educational policy

### **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **Sharing by the Department**

The Department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

To contact the department: <https://www.gov.uk/contact-dfe>



# **Privacy Notice for Job Applicants**



The Bentley Wood Trust (comprising of Bentley Wood High School & Aylward Primary School) is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your work relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

Successful candidates should refer to our privacy notice for staff for information about how their personal data is stored and collected.

## **Who Collects This Information**

The Bentley Wood Trust is a "data controller." This means that we are responsible for deciding how we hold and use personal information about you.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

## **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

## **The Categories Of Information That We Collect, Process, Hold And Share**

We may collect, store and use the following categories of personal information about you up to the shortlisting stage of the recruitment process: -

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Information collected during the recruitment process that we retain during your employment including proof of right to work in the UK, information entered on the application form, CV, qualifications;
- Details of your employment history including job titles, salary and working hours;
- Information regarding your criminal record as required by law to enable you to work with children;
- Details of your referees and references;
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs.

We may also collect information after the shortlisting and interview stage in order to make a final decision on where to recruit, including criminal record information, references, information regarding qualifications. We may also ask about details of any conduct, grievance or performance issues, appraisals, time and attendance from references provided by you.

## **How We Collect This Information**

- We may collect this information from you, your referees, your education provider, relevant professional bodies the Home Office and from the DBS.

### **How We Use Your Information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Where we need to take steps to enter into a contract with you;
- Where we need to comply with a legal obligation (such as health and safety legislation, under statutory codes of practice and employment protection legislation);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.
- Where you have provided your consent for us to process your personal data.

Generally the purpose of us collecting your data is to enable us to facilitate safe recruitment and determine suitability for the role. We also collect data in order to carry out equal opportunities monitoring and to ensure appropriate access arrangements are put in place if required.

If you fail to provide certain information when requested, we may not be able to take the steps to enter into a contract with you (for example if incorrect references are provided), or we may be prevented from complying with our legal obligations (such as to determine suitability to work with children).

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

### **How We Use Particularly Sensitive Information**

Sensitive personal information (as defined under the UK GDPR as "special category data") require higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances: -

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring;
- Where it is needed to assess your working capacity on health grounds, subject to appropriate confidentiality safeguards. Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else's interests) and you are not capable of giving your consent.

### **Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

### **Sharing Data**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so.

These include the following: -

- Academic or regulatory bodies to validate qualifications/experience (for example the teaching agency);
- Referees;
- Other schools;
- DBS; and
- Recruitment and supply agencies.

We may also need to share some of the above categories of personal information with other parties, such as HR consultants and professional advisers. Usually information will be anonymised but this may not always be possible. The recipients of the information will be bound by confidentiality obligations. We may also be required to share some personal information with our regulators or as required to comply with the law.

### **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the School only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

*How long we keep your information will depend on whether your application is successful and you become employed by us, the nature of the information concerned and the purposes for which it is processed. Full details on how long we keep personal data for is set out in our data retention policy.*

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know.

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Your Rights Of Access, Correction, Erasure And Restriction**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a "subject access request"). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.

If you want to exercise any of the above rights, please contact the Headteacher in writing.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right To Withdraw Consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact the Headteacher. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **How To Raise A Concern**

We hope that the Headteacher can resolve any query you raise about our use of your information in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by the Headteacher, then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

The Bentley Wood Trust contact details are as follows:-

<b>Bentley Wood High School</b> <b>Dr Janice Howkins (Headteacher)</b> Clamp Hill, Stanmore, HA7 3JW  Tel 020 8954 6323	<b>Aylward Primary School</b> <b>Clive Westall (Headteacher)</b> Pangbourne Drive Stanmore HA7 4RE  Telephone: 020 8958 9202
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# **Privacy Notice for Governors and Volunteers**

## **The Bentley Wood Trust**



The Bentley Wood Trust is committed to protecting the privacy and security of your personal information. This privacy notice describes how we collect and use personal information about you during and after your work relationship with us, in accordance with the UK General Data Protection Regulation (UK GDPR).

Following Brexit, Regulation (EU) 2016/679, General Data Protection Regulation (GDPR) is retained EU law and known as UK GDPR. The UK GDPR sits alongside an amended version of the Data Protection Act 2018 that relate to general personal data processing, powers of the Information Commissioner and sanctions and enforcement. The GDPR as it continues to apply in the EU is known as EU GDPR.

It applies to governors and volunteers.

### **Who Collects This Information**

The Bentley Wood Trust is a “data controller.” This means that we are responsible for deciding how we hold and use personal information about you.

We are required under data protection legislation to notify you of the information contained in this privacy notice. This notice does not form part of any contract of employment or other contract to provide services and we may update this notice at any time.

It is important that you read this notice, together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal information about you, so that you are aware of how and why we are using such information.

### **Data Protection Principles**

We will comply with the data protection principles when gathering and using personal information, as set out in our data protection policy.

### **The Categories of Information That We Collect, Process, Hold and Share**

We may collect, store and use the following categories of personal information about you: -

- Personal information and contact details such as name, title, addresses, date of birth, marital status, phone numbers and personal email addresses;
- Emergency contact information such as names, relationship, phone numbers and email addresses;
- Education details;
- DBS details;
- Employment details;
- Information about business and pecuniary interests;
- Information acquired as part of your application to become a governor;
- Criminal records information as required by law to enable you to work with children;
- Information about your use of our IT, communications and other systems, and other monitoring information;
- Photographs;
- Images captured by the School’s CCTV system;
- Video recordings capture by the School’s video conferencing platform;
- Your racial or ethnic origin, sex and sexual orientation, religious or similar beliefs;
- Details in references about you that we give to others.

### **How We Collect This Information**

We may collect this information from you directly, from the DBS, other employees and professionals we may engage, automated monitoring of our websites and other technical systems such as our computer networks and connects, CCTV and access control systems, remote access systems, email and instant messaging systems, intranet and internet facilities.

A majority of the information that we collect from you is mandatory, however there is some information that you can choose whether or not to provide it to us. Whenever we seek to collect information from you, we make it clear whether you must provide this information (and if so, what the possible consequences are of not complying), or whether you have a choice.

### **How We Use Your Information**

We will only use your personal information when the law allows us to. Most commonly, we will use your information in the following circumstances: -

- Where you have provided your consent;
- Where we need to perform the contract we have entered into with you;
- Where we need to comply with a legal obligation (such as health and safety legislation and under statutory codes of practice);
- Where it is needed in the public interest or for official purposes;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests, rights and freedoms do not override those interests.

We need all the categories of information in the list above primarily to allow us to comply with our legal obligations and to enable us as a School to perform our public task. Please note that we may process your information without your knowledge or consent, where this is required or permitted by law.

The situations in which we will process your personal information are listed below: -

- To determine appointment and suitability as a governor;
- To deal with election of governors;
- To comply with safeguarding obligations;
- To provide details on our website or online databases about governors;
- To communicate with third parties and other stakeholders to the School;
- For business management and planning purposes (including accounting, budgetary and health and safety purposes);
- For financial purposes (such as expenses);
- To deal with any complaints/investigations as required;
- When you sit on a panel or committee, name and comments as well as decisions made;
- To send communications in your role as governor;
- For education, training and development requirements;
- In order to review governance of the School;
- In order to comply with any legal dispute or any legal obligations;
- In order to comply with regulatory requirements or health and safety obligations;
- To ensure system security, including preventing unauthorised access to our networks;
- To monitor use of our systems to ensure compliance with our IT processes;
- To receive advice from external advisors and consultants;
- To liaise with regulatory bodies (such as the DfE, DBS); and
- Dealing with termination of your appointment;

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may be prevented from complying with our legal obligations (such as to ensure health and safety). Where you have provided us with consent to use your data, you may withdraw this consent at any time.

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

## **How We Use Particularly Sensitive Information**

Sensitive personal information (as defined under the UK GDPR as “special category data”) require higher levels of protection and further justification for collecting, storing and using this type of personal information. We may process this data in the following circumstances: -

- In limited circumstances, with your explicit written consent;
- Where we need to carry out our legal obligations in line with our data protection policy;
- Where it is needed in the public interest, such as for equal opportunities monitoring (or in relation to our pension scheme);
- Where it is needed in relation to legal claims or where it is necessary to protect your interests (or someone else’s interests) and you are not capable of giving your consent.

## **Criminal Convictions**

We may only use information relating to criminal convictions where the law allows us to do so. This will usually be where it is necessary to carry out our legal obligations. We will only collect information about criminal convictions if it is appropriate given the nature of the role and where we are legally able to do so.

Where appropriate we will collect information about criminal convictions as part of the recruitment process or we may be notified of such information directly by you in the course of working for us.

## **Automated Decision Making**

Automated decision making takes place when an electronic system uses personal information to make a decision without human intervention. We are allowed to use automated decision making in the following circumstances: -

- Where we have notified you of the decision and given you 21 days to request a reconsideration;
- Where it is necessary to perform the contract with you and appropriate measures are put in place to safeguard your rights; or
- In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you.

## **Sharing Data**

We may need to share your data with third parties, including third party service providers where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. These include the following: -

- Government departments or agencies
- The Local Authority
- Suppliers and Service providers
- Professional advisors and consultants
- The Department for Education
- Law enforcement
- Other schools within the federation/trust
- Support services;
- DBS.

Information will be provided to those agencies securely or anonymised where possible.

The recipient of the information will be bound by confidentiality obligations, we require them to respect the security of your data and to treat it in accordance with the law.

We may transfer your personal information outside the UK and the EU. If we do, you can expect a similar degree of protection in respect of your personal information.

## **Retention Periods**

Except as otherwise permitted or required by applicable law or regulation, the School only retains personal data for as long as necessary to fulfil the purposes they collected it for, as required to satisfy any legal, accounting or reporting obligations, or as necessary to resolve disputes.

To determine the appropriate retention period for personal data, the School considers the amount, nature, and sensitivity of personal data, the potential risk of harm from unauthorised use or disclosure of personal data, the purposes for processing the personal data, whether we can fulfil the purposes of processing by other means and any applicable legal requirements.

Once you are no longer a governor or volunteer of the school we will retain and securely destroy your personal information in accordance with our data retention policy.

### **Security**

We have put in place measures to protect the security of your information (i.e. against it being accidentally lost, used or accessed in an unauthorised way). In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know.

Third parties will only process your personal information on our instructions and where they have agreed to treat information confidentially and to keep it secure.

We have put in place procedures to deal with any suspected data security breach and will notify you and any applicable regulator of a suspected breach where we are legally required to do so.

### **Your Rights of Access, Correction, Erasure and Restriction**

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

Under certain circumstances by law you have the right to: -

- Access your personal information (commonly known as a "subject access request"). This allows you to receive a copy of the personal information we hold about you and to check we are lawfully processing it. You will not have to pay a fee to access your personal information. However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive. Alternatively, we may refuse to comply with the request in such circumstances.
- Correction of the personal information we hold about you. This enables you to have any inaccurate information we hold about you corrected.
- Erasure of your personal information. You can ask us to delete or remove personal data if there is no good reason for us continuing to process it.
- Restriction of processing your personal information. You can ask us to suspend processing personal information about you in certain circumstances, for example, if you want us to establish its accuracy before processing it.
- To object to processing in certain circumstances (for example for direct marketing purposes).
- To transfer your personal information to another party.



If you want to exercise any of the above rights, please submit the request in writing.

Aylward Primary School

Bentley Wood High School

Clive Westall

Dr Janice Howkins

Headteacher

Headteacher

Aylward Primary School

Bentley Wood High School

Pangbourne Drive

Clamp Hill,

Stanmore

Stanmore,

HA7 4RE

HA7 3JW

Telephone: 020 8958 9202

Tel 0208 954 6323

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

### **Right to Withdraw Consent**

In the limited circumstances where you may have provided your consent to the collection, processing and transfer of your personal information for a specific purpose, you have the right to withdraw your consent for that specific processing at any time. To withdraw your consent, please contact Dr Janice Howkins or Mr Clive Westall. Once we have received notification that you have withdrawn your consent, we will no longer process your information for the purpose or purposes you originally agreed to, unless we have another legitimate basis for doing so in law.

### **How to Raise a Concern**

We hope that Dr Janice Howkins or Mr Clive Westall can resolve any query you raise about our use of your information in the first instance.

We have appointed a data protection officer (DPO) to oversee compliance with data protection and this privacy notice. If you have any questions about how we handle your personal information which cannot be resolved by Dr Janice Howkins or Mr Clive Westall then you can contact the DPO on the details below: -

Data Protection Officer: Judicium Consulting Limited

Address: 72 Cannon Street, London, EC4N 6AE

Email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

Web: [www.judiciumeducation.co.uk](http://www.judiciumeducation.co.uk)

Lead Contact: Craig Stilwell

You have the right to make a complaint at any time to the Information Commissioner's Office, the UK supervisory authority for data protection issues.

### **Changes to This Privacy Notice**

We reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## Appendix 2

### Subject Access Request Form

The Data Protection Act 2018 provides you, the data subject, with a right to receive a copy of the data/information we hold about you or to authorise someone to act on your behalf. Please complete this form if you wish to make a request for your data. Your request will normally be processed within one calendar month upon receipt of a fully completed form and proof of identity.

Proof of identity: We require proof of your identity before we can disclose personal data. Proof of your identity should include a copy of a document such as your birth certificate, passport, driving licence, official letter addressed to you at your address e.g. bank statement, recent utilities bill or council tax bill. The document should include your name, date of birth and current address. If you have changed your name, please supply relevant documents evidencing the change.

#### Section 1

Please fill in the details of the data subject (i.e. the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- Birth Certificate
- Driving Licence
- Passport
- An official letter to my address

**Personal Information**

*If you only want to know what information is held in specific records. please indicate in the box below. Please tell us if you know in which capacity the information is being held, together with any names or dates you may have. If you do not know exact dates, please give the year(s) that you think may be relevant.*

**Details:**

**Employment records:**

If you are, or have been employed by the School and are seeking personal information in relation to your employment please provide details of your Staff number/Unit/Team/Dates of employment.

**Details:**

**Section 2**

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e. the data subject).

If you are **NOT** the data subject, but an agent appointed on their behalf, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title	
Surname/ Family Name	
First Name(s)/Forenames	
Date of Birth	

Address	
Post Code	
Phone Number	

I am enclosing the following copies as proof of identity (please tick the relevant box):

- Birth Certificate
- Driving Licence
- Passport
- An official letter to my address

**What is your relationship to the data subject?** (e.g. parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- Letter of authority
- Lasting or Enduring Power of Attorney
- Evidence of parental responsibility
- Other (give details):

**Section 3**

Please describe as detailed as possible what data you request access to (time period/ categories of data/ information relating to a specific case/ paper records/ electronic records).

I wish to:

- Receive the information by post\*
- Receive the information by email
- Collect the information in person
- View a copy of the information only
- Go through the information with a member of staff

\*Please be aware that if you wish us to post the information to you, we will take every care to ensure that it is addressed correctly. However, we cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household. Loss or incorrect delivery may cause you embarrassment or harm if the information is 'sensitive'.

Please send your completed form and proof of identity by email to:

For BWHS: Dr Janice Howkins: [JHowkins@bentleywood.harrow.sch.uk](mailto:JHowkins@bentleywood.harrow.sch.uk)

For APS: Mr Clive Westall: [westallc@aylward.harrow.sch.uk](mailto:westallc@aylward.harrow.sch.uk)

