



# Data Protection Policy

Person responsible for policy: Chief Executive

Revised: October 2018

Review Date: October 2020

## Introduction

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This policy sets out the River Learning Trust's commitment to the lawful and fair handling of personal data in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

The Data Protection Act 2018 ("the Act") regulates the holding and processing of personal data - that is information relating to living individuals, which is held either in paper or electronic form. The Act also gives rights to individuals whose personal information is held by organisations.

The Trust needs to collect and use personal information in order to carry out its functions effectively. Information can be held concerning its current, past and prospective students, employees, suppliers, service users, and others with whom the Trust communicates.

The Trust and in some circumstances its individual employees could face prosecution for failure to handle personal data in accordance with the Act.

### **POLICY STATEMENT**

**Any personal data which the Trust collects, records or uses in any way whether it is held on paper, computer or other media will be subject to appropriate safeguards to ensure that the Trust complies with the Act.**

The Trust fully endorses and adheres to the eight Data Protection Principles which are set out in the Act and summarised below:

Personal data shall be:

1. Processed fairly and lawfully and in a transparent way;
2. Collected for specified, explicit and legitimate purposes and not in any way which would be incompatible with those purposes
3. Adequate, relevant and limited to what is necessary to fulfill the purposes for which it is processed;
4. Accurate and, where necessary, kept up to date;
5. Not kept for longer than is necessary for the purposes for which it is processed;
6. Processed in line with the data subject's rights;
7. Processed in a way that ensures it is appropriately secure ;
8. Not transferred to a country which does not have adequate data protection laws.

### **Lawfulness, fairness and transparency**

We will only process personal data where we have one of six 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the Trust can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life

- The data needs to be processed so that the Trust, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The data needs to be processed for the **legitimate interests** of the Trust or a third party (provided the individual's rights and freedoms are not overridden)
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

## **ACTION**

In order to meet the requirements of the data protection principles and its obligations under the Act, the Trust will ensure the following:

1. Renew its entry of the Register of Notifications held by the Information Commissioner's Office;
2. Maintain a register of particulars about the types of personal data the Trust holds, purposes for which it is held and used and types of organisations to which personal data may be disclosed;
3. Appoint officers with specific responsibility for data protection in the Trust;
4. Any forms used to collect data will contain a 'fair processing notice' to inform the data subject of the reasons for collecting the personal information and the intended uses;
5. Any personal information that has been collected will be used only for the purposes for which it was collected;
6. Data subjects (individuals to whom the personal information relates) are able to exercise their rights under the Act, including the right:
  - to be informed that their personal information is being processed
  - of access to their personal information
  - to correct, rectify, block or erase information that is regarded as wrong
7. Personal data will only be disclosed to third parties when it is fair and lawful to do so in accordance with the Act and with any Information Sharing Protocols;
8. Sensitive personal data will only be processed with the explicit consent of the data subject or if an exemption applies under the Act. Sensitive data is personal data about an individual's racial or ethnic origin, political opinions, religious beliefs, trade union membership, physical or mental health, sex life, details of the commission or alleged commission of any offence and any court proceedings relating to the commission of an offence;
9. Procedures are in place to check the accuracy of personal data collected, retained and disclosed;

10. Review the time that personal information is retained or stored to ensure that it is erased at the appropriate time;
11. Compliance with the Code of Good Practice set out in ISO 17799 which sets out the requirements for an Information Security Management System;
12. All officers who hold or process personal information will receive appropriate training in order to comply with the Act, and
13. Audit compliance with this policy and the Act and any incidents involving breaches of this policy or the Act are recorded, analysed and disciplinary action taken as appropriate.

This policy is reviewed every two years or sooner if there is a change in legislation.

### **FURTHER INFORMATION**

The Information Commissioner's Office (ICO) is the independent authority set up to monitor compliance with the Act. It also issues guidance and good practice notes. The ICO's website address is <http://www.ico.org.uk/>

The ICO can consider complaints about an organisation's failure to comply with the Act following the initial reply from that organisation. Where appropriate, the River Learning Trust will consider complaints using the individual school's Complaints Procedure, however it may refer the complainant directly to the ICO.