



## **The Dean Close Foundation**

**Independent, Co-educational, Day and Boarding School**

### **Data Protection Policy (W008)**

Registered Charity No: 1086829

Date of Issue: May 18  
Review Date: May 20  
Owner: Bursar

## **THE DEAN CLOSE FOUNDATION**

### **DATA PROTECTION POLICY**

- This policy has been authorised by the Trustees of The Dean Close Foundation (the "Charity") for all of its schools, (the "School").
- This policy will be reviewed periodically by the Bursar (or the Finance and General Purpose Committee) on behalf of the Board of Trustees.
- The School is registered under the Data Protection Act.
- It is useful to also read the separate Retention of Records Policy and the Foundation Privacy Notice.

#### **About this policy**

1. Everyone has rights with regard to the way in which their personal data is handled. During the course of the Schools activities it collects, stores and processes personal data about staff, pupils, their parents, suppliers and other third parties, and it is recognised that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful business operations.
2. Those who are involved in the processing of personal data are obliged to comply with this policy when doing so. Any breach of this policy may result in disciplinary action.
3. This policy sets out the basis on which the School will process any personal data we collect from data subjects, or that is provided to us by data subjects or other sources. It does not form part of any employee's contract of employment and may be amended at any time.

#### **General Statement of the School's Duties**

4. The School is required to process relevant personal data regarding workers as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

#### **Enquiries to the Data Protection Controller**

5. The Data Controller is deemed to be The Dean Close Foundation. The Bursar is the person nominated to deal with Data Protection issues in the School and is the Data Protection Officer for the purposes of the Data Protection Act.
6. Information about the implementation of the School's Data Protection Policy is available from the Bursar. General information about the Data Protection Act can be obtained from the Information Commissioner's Office (0303 123 1113 or 01625 545 745, [www.ico.gov.uk](http://www.ico.gov.uk) ).

## **The Principles**

Anyone processing personal data must comply with the eight enforceable principles of good practice as enshrined within the EU General Data Protection Regulations enacted in the UK by the Data Protection Act 2018. These provide that personal data must be: -

- Fairly and lawfully processed
- Processed for a lawful purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Processed in accordance with the data subject's rights
- Subject to technical and organisational controls to prevent unauthorised processing
- Not transferred to other countries without adequate protection

## **Personal Data**

Personal data covers information relating to identifiable individuals, known as Data Subjects, such as job applicants, current and former employees, agency, contract and other staff, pupils and their parents, suppliers and marketing and business contacts. It includes expressions of opinion about the individual, any indication of someone else's intentions towards the individual, information necessary for employment such as the worker's name and address and details for payment of salary.

## **Processing of Personal Data**

The Schools policy is to process personal data in accordance with the applicable data protection laws as set out above. All staff have a personal responsibility for the practical application of this policy.

Staff should generally not process personal data unless:

- The processing is otherwise in the Schools legitimate interests and does not unduly prejudice the individual's privacy;
- The individual whose details are being processed has consented to this, or
- The processing is necessary to perform the Schools legal obligations or exercise legal rights.

When gathering personal data or establishing new data protection activities, staff should ensure that individuals whose data is being processed receive appropriate data protection notices to inform them how the data will be used. There are limited exceptions to this notice requirement. In any case of uncertainty as to whether a notification should be given, staff should contact the DPO.

## **Sensitive Personal Data**

The School may, from time to time, be required to process sensitive personal data regarding a Data Subject. Where sensitive personal data is processed by the School, the explicit consent of the Data Subject will generally be required in writing. When the Data Subject is a pupil depending on the age of the pupil and the circumstances it may not be the Parent or Guardian who is seen as the Data Subject.

To be appropriate this consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed and be given by positive assertion. This consent can be withdrawn at any time. Staff should contact the DPO for more information on obtaining consent to process sensitive personal data.

## **Processing of Credit Card Data**

The School complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. If you are unsure in this regard please seek further guidance from the Bursar.

## **Accuracy, adequacy, relevance and proportionality**

Staff should make sure data processed by them is accurate, adequate, relevant and proportionate for the purpose for which it was obtained. Personal data obtained for one purpose should not be used for unconnected purposes unless the individual has agreed to this or would otherwise reasonably expect the data to be used in this way.

Individuals may ask the School to correct personal data relating to them which they consider to be inaccurate. If a member of staff receives such a request and does not agree that the personal data held is inaccurate, they should nevertheless record the fact that it is disputed and inform the DPO.

Staff must ensure that personal data held by the School relating to them is accurate and updated as required. If personal details or circumstances change, staff should inform the DPO so the School's records can be updated.

## **Rights of Individuals**

Data Subjects have the right of access to information held by the School, subject to the provisions of the Data Protection Act 1998 (as amended). Any Data Subject wishing to access their personal data should make their requests to the DPO. The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within one calendar month. The information will be imparted to the data subject as soon as is reasonably possible after it has come to the School's attention. It should be noted that there are certain restrictions on the information to which individuals are entitled under applicable law.

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Staff should not send direct marketing material to someone electronically (e.g. by email) unless there is an existing business relationship with them in relation to the services being marketed. Staff should abide by any request from an individual not to use their personal data for direct marketing purposes and should notify the DPO about any such request. Staff should contact the DPO for advice on direct marketing before starting any new direct marketing activity.

### **Exemptions**

Certain data is exempted from the provisions of the Data Protection Act which includes the following:-

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the Act. Any further information on exemptions should be sought from the DPO.

### **Accuracy**

The School will endeavour to ensure that all personal data held in relation to data subjects is accurate and kept up to date. Data subjects must notify the DPO of any changes to information held about them. A Data subject has the right to request that inaccurate information about them is erased.

### **Timely Processing**

The School will not keep personal data longer than is necessary for the purpose or purposes for which they were collected and will take all reasonable steps to destroy, or erase from its systems, all data which is no longer required. The School will comply with the retention requests of the IICSA.

### **Enforcement**

If a data subject believes that the School has not complied with this Policy or acted otherwise than in accordance with the Data Protection Act, the data subject should utilise the School grievance procedure and should also notify the DPO.

### **Data Security**

The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. This is in relation to data belonging to both staff and pupils. As such, no member of staff is permitted to remove personal data from School premises, whether in paper

or electronic form and wherever stored, without prior consent of the Warden, a Headmaster or the Bursar. Where a worker is permitted to take data offsite it will need to be encrypted.

**APPENDIX 1**

**REQUEST FOR ACCESS TO PERSONAL DATA**

Enquirer's Surname.....

Enquirer's Forenames.....

Enquirer's Address .....

.....

.....

.....

Enquirer's Postcode .....

Telephone Number .....

Are you the person who is the subject of the records you are enquiring about (i.e. the "Data Subject")?

YES / NO

If NO:

Do you have parental responsibility for the child/children who is/are the "Data Subject(s)" of the records you are enquiring about?

YES / NO

If YES:

Names of child/children about whose personal data records you are enquiring:

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Description of Concern / Area of Concern:

Description of Information or Topic(s) Requested:

Additional Information:

**DATA SUBJECT DECLARATION**

I request that the School search its records based on the information supplied above under Section 7 (1) of the Data Protection Act 1998 (as amended) and provide a description of the personal data found from the information described in the details outlined above relating to me (or my child/children) being processed by the School.

I agree that the reply period will commence when I have supplied sufficient information to enable the School to perform the search.

I consent to the reply being disclosed and sent to me at my address above.

Signature of "Data Subject" (or Subject's Parent)

.....

Name of "Data Subject" (or Subject's Parent)

(PRINTED).....

Dated .....