WALTHAMSTOW MONTESSORI SCHOOL

General Data Protection Regulation (GDPR) Policy

Walthamstow Montessori School complies with the GDPR and is registered as a 'Data Controller' with the Information Commissioner's Office.

Statement of Intent

Walthamstow Montessori School (WMS) is required to keep and process certain information about its staff members and pupils in accordance with its legal obligations under the General Data Protection Regulation (GDPR). The school may, from time to time, be required to share personal information about its staff or pupils with other organisations, mainly the Local Authority, Department for Education, other schools and educational bodies, children's services, the police and other third parties, such as payroll providers.

Although consent is a huge part of GDPR, as a school we have lawful obligations that require us to collect, process and store personal data.

In order to comply with regulatory frameworks and inspectorates across the UK, there is a large amount of data that we must hold and maintain. These legal obligations override GDPR and therefore we do not need consent to collect certain data from our parents or children.

This policy is in place to ensure all staff are aware of their responsibilities and outlines how the school complies with the following core principles of the GDPR. Organisational methods for keeping data secure are imperative, and WMS believes that it is good practice to keep clear practical policies, backed up by written procedures.

This policy complies with the requirements set out in the GDPR, which came into effect on 25 May 2018. The government have confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

Our overall aim, is to ensure sensitive data is kept safe and secure. WMS has always been compliant with the DPA and a member of the Information Commission's Office (ICO) and therefore we will be compliant under the new GDPR.

All staff at WMS have received GDPR guidance and aware of their role within the school and responsibilities as 'data processors'.

Legal Framework

This policy has due regard to legislation, including, but not limited to the following:

The General Data Protection Regulation (GDPR), The Freedom of Information Act 2000, The Education (Pupil Information) (England) Regulations 2005 (as amended), The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, The School Standards and Framework Act 1998 This policy will also have regard to the following guidance:

Information Commissioner's Office (2017) 'Overview of the General Data Protection Regulation (GDPR)', Information Commissioner's Office (2017) 'Preparing for the General Data Protection Regulation (GDPR) 12 steps to take now'

Applicable Data

For the purpose of this policy, personal data refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g. an IP address. The GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

Sensitive personal data is referred to in the GDPR as 'special categories of personal data', which are broadly the same as those in the Data Protection Act (DPA) 1998. These specifically include the processing of genetic data, biometric data and data concerning health matters.

Principles

In accordance with the requirements outlined in the GDPR, personal data will be:

Processed lawfully, fairly and in a transparent manner in relation to individuals.

Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, in so far as the personal data

will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Accountability

WMS takes appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR. Records of activities relating to higher risk processing will be maintained, such as the processing of special categories data or that in relation to criminal convictions and offences.

Internal records of processing activities will include the following:

o Name and details of the organisation
o Purpose(s) of the processing
o Description of the categories of individuals and personal data
o Retention schedules
o Categories of recipients of personal data
o Description of technical and organisational security measures
o Details of transfers to third countries where applicable, including documentation of the transfer
mechanism safeguards in place The school will implement measures that meet the principles of data
protection by design and data protection by default, such as:

o Data minimisation.
o Pseudonymisation.
o Transparency.
o Allowing individuals to monitor processing.
o Continuously creating and improving security features. Data protection impact assessments will be
used, where appropriate.

Data Protection Officer (DPO)

The DPO monitors the school's compliance with the GDPR and will report to the highest level of management at the school, which is the Principal. The DPO will operate independently and will not be dismissed or penalised for performing their task.

Lawful Processing

Under the GDPR, data will be lawfully processed under the following conditions:

- The consent of the data subject has been obtained.

Processing is necessary for:

- Compliance with a legal obligation.
- The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- For the performance of a contract with the data subject or to take steps to enter into a contract.
- Protecting the vital interests of a data subject or another person.
- For the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject. (This condition is not available to processing undertaken by the school in the performance of its tasks.)

Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law.
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.
- Processing relates to personal data manifestly made public by the data subject.
- Processing is necessary for:

    - Carrying out obligations under employment, social security or social protection law, or a collective agreement.
    - Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.
    - The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.
    - Reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards.

- The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional.
- Reasons of public interest in the area of public health, such as protecting against serious
  cross border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.
- Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

Consent

- Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.
- Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.
- Where consent is given, a record will be kept documenting how and when consent was given.
- WMS ensures that consent mechanisms meet the standards of the GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease.
- Consent accepted under the DPA will be reviewed to ensure it meets the standards of the GDPR; however, acceptable consent obtained under the DPA will not be reobtained.
- Consent can be withdrawn by the individual at any time.
- Where a child is under the age of 16 or younger if the law provides it (up to the age of 13), the consent of parents will be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a child.

The Right to be Informed

The privacy notice supplied to individuals with regard to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge.

If services are offered directly to a child, the school will ensure that the privacy notice is written in a clear, plain manner that the child will understand.

In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:

 The identity and contact details of the controller (and where applicable, the controller's
representative) and the DPO.
 The purpose of, and the legal basis for, processing the data.
 The legitimate interests of the controller or third party
 Any recipient or categories of recipients
of the personal data.
 Details of transfers to third countries if applicable and the safeguards in
place.
 The retention period or criteria used to determine the retention period.
 The existence of the data subject's rights, including the right to:

- Withdraw consent at any time.
- Lodge a complaint with a supervisory authority
- The existence of automated decision making, including profiling, how decisions are made, the
  significance of the process and the consequences. Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement, as well as any possible consequences of failing to provide the personal data, will be provided.

Where data is not obtained directly from the data subject, information regarding the categories of personal data that the school holds, the source that the personal data originates from and whether it came from publicly accessible sources, will be provided.

For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.

In relation to data that is not obtained directly from the data subject, this information will be supplied:

 Within one month of having obtained the data.
 If disclosure to another recipient is envisaged, at the latest, before the data is disclosed.
 If the data is used to communicate with the individual, at the latest, when the first communication
takes place.

The Right of Access

Individuals have the right to obtain confirmation that their data is being processed.

Individuals have the right to submit a Subject Access Request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing.

The school will verify the identity of the person making the request before any information is supplied. This request may include two forms of photo ID.

A copy of the information will be supplied to the individual free of charge; however, the school may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged.

All fees will be based on the administrative cost of providing the information.

All requests will be responded to without delay and at the latest, within one month of receipt.

In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

Where a request is manifestly unfounded or excessive, the school holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

In the event that a large quantity of information is being processed about an individual, the school will ask the individual to specify the information the request is in relation to.

Requests from parents whose children no longer attend WMS: Parents and legal carers must contact the school and request their child's information within 6 weeks of the child's leaving date for it to be available. WMS will verify the request by verifying the identity of the person making the request and seeking two forms of ID. A written request will require a follow up phone call to confirm that the request was made and to confirm where the results should be sent to.

The Right to Rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified.

Where the personal data in question has been disclosed to third parties, the school will inform them of the rectification where possible.

Where appropriate, the school will inform the individual about the third parties that the data has been disclosed to.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

Where no action is being taken in response to a request for rectification, the school will explain the reason for this to the individual and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The Right to Erasure

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate interest for
  continuing the processing
- The personal data was unlawfully processed
- The personal data is required to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a child. The school has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

    - To exercise the right of freedom of expression and information;
    - To comply with a legal obligation for the performance of a public interest task or exercise of
      official authority;
    - For public health purposes in the public interest;
    - For archiving purposes in the public interest, scientific research, historical research or statistical purposes;
    - The exercise or defence of legal claims as a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing
      situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so.

Where personal data has been made public within an online environment, the school will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

The Right to Restrict Processing

Individuals have the right to block or suppress the school's processing of personal data.

In the event that processing is restricted, the school will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

The school will restrict the processing of personal data in the following circumstances:

 Where an individual contests the accuracy of the personal data, processing will be restricted until
 the school has verified the accuracy of the data
 Where an individual has objected to the processing and the school is considering whether their
 legitimate grounds override those of the individual
 Where processing is unlawful and the individual opposes erasure and requests restriction instead
 Where the school no longer needs the personal data but the individual requires the data to establish,
 exercise or defend a legal claim If the personal data in question has been disclosed to third parties,
 the school will inform them about the restriction on the processing of the personal data, unless it is
 impossible or involves disproportionate effort to do so.

The school will inform individuals when a restriction on processing has been lifted.

The Right to Data Portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services.

Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

 To personal data that an individual has provided to a controller
 Where the processing is based on the individual's consent or for the performance of a contract
 When processing is carried out by automated means Personal data will be provided in

a structured,
commonly used and machine-readable form.

The school will provide the information free of charge.

Where feasible, data will be transmitted directly to another organisation at the request of the individual.

The school is not required to adopt or maintain processing systems which are technically compatible with other organisations.

In the event that the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual.

The school will respond to any requests for portability within one month.

Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, the school will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The Right to Object

The school will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.

Individuals have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest
- Direct marketing
- Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task or legitimate interests:

- An individual's grounds for objecting must relate to his or her particular situation.
- The school will stop processing the individual's personal data unless the processing is for the

establishment, exercise or defence of legal claims, or, where the school can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- The school will stop processing personal data for direct marketing purposes as soon as an objection is received.
- The school cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes. Where personal data is processed for research purposes:
- The individual must have grounds relating to their particular situation in order to exercise their right to object.
- Where the processing of personal data is necessary for the performance of a public interest task, the school is not required to comply with an objection to the processing of the data. Where the processing activity is outlined above, but is carried out online, the school will offer a method for individuals to object online.

Automated Decision Making and Profiling

Individuals have the right not to be subject to a decision when:

 It is based on automated processing, e.g. profiling.
 It produces a legal effect or a similarly significant effect on the individual. The school will take
steps to ensure that individuals are able to obtain human intervention, express their point of view,
and obtain an explanation of the decision and challenge it.

When automatically processing personal data for profiling purposes, the school will ensure that the appropriate safeguards are in place, including:

 Ensuring processing is fair and transparent by providing meaningful information about the logic
involved, as well as the significance and the predicted impact.
 Using appropriate mathematical or statistical procedures.
 Implementing appropriate technical and organisational measures to enable inaccuracies to be
corrected and minimise the risk of errors.
 Securing personal data in a way that is proportionate to the risk to the interests and rights of the
individual and prevents discriminatory effects.

Automated decisions must not concern a child or be based on the processing of sensitive data, unless:

 The school has the explicit consent of the individual.

 The processing is necessary for reasons of substantial public interest on the basis of Union/Member
State law.

Privacy by Design and Privacy Impact Assessments

The school will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the school has considered and integrated data protection into processing activities.

Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with the school's data protection obligations and meeting individuals' expectations of privacy.

DPIAs will allow the school to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to the school's reputation which might otherwise occur.

A DPIA will be carried out when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals.

A DPIA will be used for more than one project, where necessary.

High risk processing includes, but is not limited to, the following:

 Systematic and extensive processing activities, such as profiling
 Large scale processing of special categories of data or personal data which is in relation to criminal
convictions or offences
 The use of CCTV.

The school will ensure that all DPIAs include the following:

 A description of the processing operations and the purposes
 An assessment of the necessity and proportionality of the processing in relation to the purpose
 An outline of the risks to individuals
 The measures implemented in order to address risk Where a DPIA indicates high risk data
processing, the school will consult the ICO to seek its opinion as to whether the processing
operation complies with the GDPR.

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.

The Principal will ensure that all staff members are made aware of, and understand, what constitutes a data breach as part of their CPD training.

Staff must report any data breach or potential breach as soon as possible to the Data Protection Officer or a member of the Senior Management Team.

Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.

All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of the school becoming aware of it.

The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

In the event that a breach is likely to result in a high risk to the rights and freedoms of an individual, the school will notify those concerned directly.

A 'high risk' breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority.

In the event that a breach is sufficiently serious, the public will be notified without undue delay.

Effective and robust breach detection, investigation and internal reporting procedures are in place at the school, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.

Within a breach notification, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
- The name and contact details of the DPO
- An explanation of the likely consequences of the personal data breach
- A description of the proposed measures to be taken to deal with the personal data breach
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects

Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.

Data Security

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access.

Confidential paper records will not be left unattended or in clear view anywhere with general access.

Digital data both on a local hard drive and on the school's network is password-protected. The network drive is backed up daily off-site.

Access to the school's network is controlled and access to sensitive and confidential data on the network is restricted to only those members of staff who require the information to perform their duties effectively.

Staff are not permitted to use removable storage e.g. external hard drives or memory sticks to store data.

All electronic devices are password-protected to protect the information on the device in case of theft. Electronic devices are kept securely when not in use, e.g. in a locked cabinet.

Devices holding pupil and staff photos will be regularly wiped to delete all images. Memory cards will be kept in a locked cabinet when not in use and will be wiped regularly.

Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.

Staff and student teachers, will not use their personal laptops or computers for school purposes.

All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

Staff and student teachers must not use personal email addresses for sharing or viewing any school data.

Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient.

Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.

When sending confidential information by scan, staff will always check that the recipient is correct before sending.

No personal data or sensitive personal data must be shared by text or on social media e.g. WhatsApp. See also the school's e-Safety and IT Acceptable Use Policy.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices or paperwork under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.

Before sharing data, all staff members will ensure:

 They are allowed to share it.
 That adequate security is in place to protect it.
 The person or organisation who will receive the data has been outlined in a privacy notice.
 The person or organisation who will receive the data have confirmed in writing that they comply
with the GDPR and any other relevant data protection legislation. Under no circumstances are
volunteers, visitors or unauthorised third parties allowed access to confidential or personal
information. Those visiting areas of the school containing sensitive information are supervised at
all times.

The physical security of the school's buildings and storage systems, and access to them, is reviewed on a regular basis. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.

WMS takes its duties under the GDPR seriously and any unauthorised disclosure may result in disciplinary action.

The Principal is responsible for continuity and recovery measures are in place to ensure the security of protected data.

Publication of Information

WMS makes only the following information routinely available:

 Policies and procedures

WMS will not publish any personal information, including photos, on its website without the permission of the individual.

When uploading information to the school website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

CCTV and Photography

The school understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles.

Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose.

All CCTV footage will be kept for 30 days for security purposes; the Principal is responsible for keeping the records secure and allowing access.

The school will always indicate its intentions for taking photographs of pupils and will obtain permission before publishing them.

If the school wishes to use images/video footage of pupils in a publication, such as the school website, prospectus, or recordings of school plays, written permission will be sought for the particular usage from the parent of the pupil.

Images captured by individuals for recreational/personal purposes, and videos made by parents for family use, are exempt from the GDPR.

Data Retention and Storing Pupil Data

Data will not be kept for longer than is necessary.

Unrequired data will be deleted as soon as practicable.

Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons.

Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

DBS Data

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.

Data provided by the DBS will never be duplicated.

Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

Use of secure Email Systems and non-secure email Systems

The majority of communication with local authorities and social care services is via secure email systems. Where this is not the case, emails must reference children, colleagues and other by using initials only. When using non-secure emails, content must be thought through before sending.

Confidentiality

Employees are required to maintain confidentiality regarding WMS' business and that of its pupils and families both during their employment and at any time after its

termination. Employees must not remove any documents or tangible items which belong to the school or which contain any confidential information at any time without due cause. This includes the unauthorised use of any headed paper containing the school's logo and/or contact details.

DATE POLICY CREATED: May 2018

Date Last Reviewed: 11th September 2026

Date to be Reviewed: 11th September 2027