Privacy Notice Procedure

Contents

1. Introduction

The Data Protection Act 2018 which applies the UK GDPR requires organisations who process personal data to be transparent about that use and provide individuals with information which explains how their personal data is used by the organisation.

2. Quick Reference Guide

- The law requires you to have clear, transparent notices advising individuals how you are using their personal data
- Review and publish the overarching privacy notice at Annex B
- Review and publish the service specific notices at Annex C
- Ensure any letters or forms which collect personal data carry a statement directing individuals to your online notices, see Annex D
- When processing special category personal data the law requires you to have in place a policy statement which should be published alongside your privacy notices. The statement can be found at Annex E

3. Policy References

This procedure is a requirement of the Data Protection Policy.

4. Privacy Notices

Where personal data is being obtained for us to process, whether from the Data Subject or a third party, then a Privacy Notice must be made available to provide assurance to the Data Subject over the legitimacy of the processing and what will be involved.

The law requires Notices to be concise, transparent, intelligible and easily accessible by the Data Subject. It should be written in clear and plain language, particularly if addressed to a child.

There must be no charge made to a Data Subject in order for them to be given access to a Notice.

Where you are relying on Legitimate Interests as your legal basis for processing personal data you must include in the notice that a copy of the legitimate interests assessment is available from the school office.

The details that a Notice must contain are as follows:

- The Identity and contact details of the Data Controller, any Data Processors (if applicable) and the name of the responsible Data Protection Officer

- The purpose of processing and the legal basis supporting the processing

- (Where applicable) The legitimate Interests of the Data Controller or 3rd Party

- Any third-party recipient (or categories of recipients) of the data

- Any transfers to 3rd countries (i.e. outside the European Economic Area) and details of the adequate safeguards in place to secure the data and the Data Subject's rights.

- The retention period (or the criteria to be used to determine one) at the end of which it will no longer be necessary to process the data.

- Which of the Data Subject's rights will be applicable to the processing (or confirm that all rights are applicable)

- (If consent is being relied upon) Advise the Data Subject of their right to withdraw consent at any time

- Advise the Data Subject of their right to lodge a complaint with the Information Commissioner's Office if they have concerns over the processing

- Make the Data Subject aware of any automated decision making/ profiling being undertaken as a part of the processing and information about:
  - How decisions based on the data are made,
  - The significance and consequences of the decisions.

- (Where data is obtained directly from the Data Subject):
  - The specific statutory/ contractual requirement/ obligation
  - The consequences of not providing personal data

- (Where data is not obtained directly from the data subject)
  - Where the data is coming from and whether this is from publicly accessible sources
  - The categories of personal data

The Notice must be available to the Data Subject:

Criteria	Sub-criteria	Action
if the data is being obtained directly from the Data Subject		At the time data is obtained
if the data is not being obtained directly from the Data Subject…	(no additional criteria)	Within a reasonable period of having obtained the data (within one month)
if the data is not being obtained directly from the Data Subject…	…AND if data is to be used to communicate with the Data Subject	*At the latest*, when the first communication takes place
if the data is not being obtained directly from the Data Subject…	…AND is to be disclosed to a third party	*At the latest*, before the data is disclosed.

5. Advice and Support

If you have any issues over the clarity of these procedures, how they should be applied in practice, require advice about exemptions from the requirements or have any suggestions for amendments, please contact your Data Protection Officer.

6. Breach Statement

A breach of this procedure is a breach of the Data Protection Policy. Breaches will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

Annex A: ICO Privacy Notice Checklist

This is available at the following [link](#)

The following information must be provided where the data is collected from the data subject themselves, or from another source at the time the data are obtained:

- Identity and contact details of the controller and where applicable, the controller's representative) and the data protection officer
- Purpose of the processing and the legal basis for the processing
- The legitimate interests of the controller or third party, where applicable
- Any recipient or categories of recipients of the personal data
- Details of transfers to third country and safeguards
- Retention period or criteria used to determine the retention period
- The existence of each of data subject's rights
- The right to withdraw consent at any time, where relevant
- The right to lodge a complaint with a supervisory authority
- The existence of automated decision making, including profiling and information about how decisions are made, the significance and the consequences.

If the data is collected solely from the data subject the following information must be provided at the time the data are obtained:

- Whether the provision of personal data part of a statutory or contractual requirement or obligation and possible consequences of failing to provide the personal data

If the data was not collected from the data subject the following information must be provided to the data subject. The data must be provided to them within a reasonable period of having obtained the data (within one month). If the data are used to communicate with the individual, at the latest, when the first communication takes place; or If disclosure to another recipient is envisaged, at the latest, before the data are disclosed:

- Categories of personal data
- The source the personal data originates from and whether it came from publicly accessible sources

Annex B: On-line General Privacy Statement

Use these documents as text for a website page which provides a basic commentary on how Privacy issues are handled in the school. Detailed Privacy Notices (Model templates at Annex C) should be linked from this page so that this content acts as an introduction to the further information contained on your Notices

Main PN.docx

Child Friendly Privacy Notice

Annex C: Model Privacy Notices

These are model Privacy Notices covering specific areas of data processing. Each document, if relevant to your processing, should be published on your website with its own document or page web address so that you can easily provide links to a specific notice from any data collection forms.

Please note, where Legitimate Interests is cited as a legal basis it is necessary to complete a legitimate interests assessment. The assessments have been included below where applicable. If the assessment is requested by a member of the public, the links below should be provided.

Processing activity	Privacy Notice	Legitimate Interests Assessment
Processing for Security purposes (e.g. visitor registration, ID Cards). Note: There is a separate section within this notice for CCTV which should be removed if your school does not use CCTV	Security PN.docx	Not applicable
Processing for Marketing Activities (for example school prospectuses, newsletters)	Marketing PN.docx	LI Assessment Marketing
Processing for school photos and additional activities	Photos and additional activities PN	LIA School Photos for promotional purposes
Statutory Processing of Pupil and Parent data for delivery of curriculum and pastoral care	Curriculum PN.docx	Not applicable
Processing of Employee Data	Employment PN.docx	LI Assessment Staff Absence Insurance / LI Assessment Recruitment
Processing of Governor / Trustee Data	Governor-Trustees PN.docx	Not applicable
Processing of school volunteer data	Volunteer PN.docx	Not applicable
Processing of Online Payments	Online Payments PN.docx	Not applicable
Processing of Biometric Data	Biometric PN.docx	Not applicable

Publishing Pupil Coursework	Publishing Coursework PN.docx	LI Assessment Publishing Coursew
Processing Visitor Data	Visitor PN.docx	Not applicable
Processing Ex-Student data	Ex-student PN.docx	Exam Certificates LIA.docx
Processing for SEND purposes	SEND PN.docx	Not applicable
Processing for Premises Lettings	Premises Letting PN.docx	Not applicable
Using Artificial Intelligence	Artificial Intelligence PN.docx	Not applicable

Annex D: Privacy Statement

You can use this brief statement for inclusion on consent forms or other points of data collection to ensure that individuals know how to access information about how their data is handled:

> [Organisation name] fully complies with information legislation. For full details on how we use your personal information please click [here] (hyperlink to your online privacy notice - Annex B)] or call [your office number] if you are unable to access the internet.

Annex E: Data Protection Policy Statement

This statement should be published with your online privacy notices to ensure compliance with the law as required when processing special category personal data, for example health data.

Data Protection Policy Statement.docx