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## General Data Protection Policy

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<b>Prepared By</b>	HISP Central Operations
<b>Approved By</b>	HISP Trust Board
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# **HISP Multi Academy Trust**

## **General Data Protection Policy**

### **Our Trust's General Data Protection Policy**

From 2024 we write our policies through a particular lens: these documents are vital to the underpinning for our Trust to be one Trust. References to “you” are intended to explain the important role you, the reader, have in our Trust and references to “we” refer to the responsibilities we recognise HISP has as an employer. Together we are One Trust.

#### **1. Aims**

Our Trust, its schools and Units 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 General Data Protection Regulation (EU) 2016/679 (GDPR) and the expected provisions of the Data Protection Act 2018 (DPA 2018) as set out in the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

#### **2. Legislation and Guidance**

This policy meets the requirements of the GDPR and the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#)

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.

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### 3. Definitions

Term	Definition
<b>Personal data</b>	<p>Any information relating to an identified, or identifiable, living individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"><li>• Name (including initials)</li><li>• Identification number</li><li>• Location data</li><li>• Online identifier, such as a username</li></ul> <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<b>Special categories of personal data</b>	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
<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
<b>Data Subject</b>	The identified or identifiable individual whose personal data is held or processed
<b>Data Protection Officer</b>	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.

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<b>Data Protection Lead</b>	The data protection lead is the first point of contact for individuals whose data the school or the Trust processes
<b>Data Controller</b>	A person or organisation that determines the purposes and the means of processing of personal data.
<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.
<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.

## 4. The Data Controller

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

The Trust is registered as a data controller with the ICO and has paid its data protection fee to the ICO and will renew as legally required.

## 5. Roles and Responsibilities

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

### 5.1 Trust Board and Academy Committees<sup>1</sup>

The Trust Board has overall responsibility for ensuring that the Trust and our schools comply with all relevant data protection obligations. This is delegated to the Academy Committees to oversee. Where a school does not have an AC, this will be retained by the Trust Board

<sup>1</sup> Academy Committee is the term used within the organisation for a Local Governing Body

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### **5.2. 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.

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

The DPO is the first point of contact for the ICO.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Dr Kevin Thurlow-Criss (Executive Director of Operations) and is contactable via [info@hispmat.org](mailto:info@hispmat.org) or 02382 541374

### **5.3 Data Protection Lead**

The Data Protection Lead (DPL) is the first point of contact for individuals whose data the school processes.

Each school has a Data Protection Lead (DPL) who will oversee data protection and liaise with the DPO

Portswood Primary – Tony Head (023 8055 5885)

Tanners Brook Primary – Ingrid Dowse (023 8077 1659)

Thornden Secondary - Phil Balmond (023 8026 9722)

Highcliffe School – Matthew Downs (01425 273381)

Crofton School – Caroline Hannaway (01329 666828)

Danebury School – Monica Freeman (01264 810555)

Carisbrooke College – Darren Biddlecome (01983 526523)

Medina College – Darren Biddlecome (01983 526523)

### **5.4 School Leader**

The School Leader acts as the representative of the data controller on a day-to-day basis and each school has a data protection lead who is the first point of contact.

### **5.5 All Staff**

Staff are responsible for:

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- 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 / DPL 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

## 6. Data Protection Principles

The GDPR is based on data protection principles that our school must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Any inaccurate data must be deleted or rectified without delay
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the trust aims to comply with these principles.

### How We Define Personal Data

‘Personal data’ means information which relates to a living person who can be identified from that data (a ‘data subject’) on its own or when taken together with other information which is likely to come into our possession. It includes any expression of opinion about the person and an indication of the intentions of us or others in respect of that person. It does not include anonymised data.

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This Policy applies to all personal data, whether it is stored electronically, on paper or in/on other materials.

This personal data might be provided to us by you or by someone else (such as a former employer, your doctor or a credit reference agency), or it could be created by us. It could be provided or created during the recruitment process or during the course of your contract, or after it has ended. It could be created by your [*line manager*] or other colleagues.

We will collect and use the following types of personal data about you:

- Recruitment information, such as your application form and CV, references, qualifications and membership of any professional bodies and details of any pre-employment assessments.
- Your contact details and date of birth.
- The contact details for your emergency contacts.
- Your gender.
- Your marital status and family details.
- Information about your contract, including start and end dates, role and location, working hours, details of promotion, salary (including details of previous remuneration), pension, benefits and holiday entitlement.
- Your bank details and information in relation to your tax status, including your National Insurance number.
- Your identification documents, including your passport and driving licence and information in relation to your immigration status and right to work for us.
- Information relating to disciplinary or grievance investigations and proceedings involving you (whether or not you were the main subject of those proceedings).
- Information relating to your performance and behaviour at work.
- Training records.
- Electronic information in relation to your use of IT systems/swipe cards/telephone systems.
- Your images (whether captured on CCTV or video or by photograph).
- Any other category of personal data which we may notify you of from time to time.

### How We Define Special Categories of Personal Data

Special categories of personal data' are types of personal data consisting of information about:

- Your racial or ethnic origin
- Your political opinions
- Your religious or philosophical beliefs
- Your trade union membership

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- Your genetic or biometric data
- Your health
- Your sex life and sexual orientation

We may hold and use any of these special categories of your personal data in accordance with the law.

We may hold and use personal data relating to criminal allegations, offences, proceedings and convictions.

## 7. Collecting Personal Data

### 7.1 Lawfulness, Fairness and Transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the Trust and a school can **fulfil a contract** with the individual, or the individual has asked the Trust / 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 or another person i.e. to protect someone's life
- The data needs to be processed so that the Trust / school, as a public authority, can perform a task **in the public interest or exercise its official authority**.
- The data needs to be processed for the **legitimate interests** of the Trust (where the processing is not for any tasks the Trust performs as a public authority) 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 student) has freely given clear consent

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law. Categories include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
- The data needs to be processed to perform or exercise obligations or rights in relation
- **to employment, social security or social protection law**
- The data needs to be processed to ensure the vital interests of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual

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- The data needs to be processed for the establishment, exercise or defence of **legal claims**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
- The data has already been made **manifestly public** by the individual
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law. We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

## 7.2 Limitation, Minimisation and Accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

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We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the Trusts record retention schedule. As a Hampshire County Council School we adopt the HCC School Records Retention Schedule which is available in the GDPR section of our website and sets out how long we keep information.

### **How We Define Processing**

'Processing' means any operation which is performed on personal data, such as:

- Collection, recording, organisation, structuring or storing
- Adaption or alteration
- Retrieval, consultation or use
- Disclosure by transmission, dissemination or otherwise making available
- Alignment or combination
- Restriction, destruction or erasure

'Processing' includes processing personal data which forms part of a filing system and any automated processing.

### **How Will We Process Your Personal Data?**

We will process your personal data (including special categories of personal data) in line with our obligations under the 2018 Act.

We will use your personal data:

- To perform the contract between us
- To comply with any legal obligation
- If it is necessary for our legitimate interests (or for the legitimate interests of someone else). However, we can only do this if your interests and rights do not override ours (or theirs). You have the right to challenge our legitimate interests and request that we stop using your personal data.

We can process your personal data for the purposes listed directly above without your knowledge or consent. We will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

If you choose not to give us certain personal data, we may not be able to carry out some parts of the contract between us. For example, if we do not have your bank account details, we may not be able to pay you. It might also prevent us from complying with certain legal obligations and duties, such as paying the right amount

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of tax to HMRC or making reasonable adjustments in relation to any disability you may have.

### **Examples Of When We Might Process Your Personal Data**

We have to process your personal data in various situations during your recruitment, employment (or engagement) and even following termination of your employment (or engagement).

For example:

- To decide whether to employ (or engage) you
- To decide how much to pay you and the other terms of your contract with us
- To check you have the legal right to work for us
- To carry out the contract between us, including, where relevant, its termination
- To train you and review your performance
- To decide whether to promote you
- To decide whether and how to manage your performance, absence or conduct
- To carry out a disciplinary or grievance investigation or procedure in relation to you or someone else
- To determine whether we need to make reasonable adjustments to your workplace or role because of your disability
- To monitor diversity and equal opportunities
- To monitor and protect the security (including network security) of the Company, you, our other staff, our customers and others
- To monitor and protect your health and safety and that of our other staff, our customers and third parties
- To pay you and provide pension and other benefits in accordance with the contract between us
- To pay tax and National Insurance
- To provide a reference upon request from another employer
- To pay trade union subscriptions
- To monitor compliance by you, us and others with our policies and our contractual obligation
- To comply with employment law, immigration law, health and safety law, tax law and other laws which affect us
- To answer questions from insurers in respect of any insurance policies which relate to you
- To run our business and plan for the future
- For the prevention and detection of fraud or other criminal offences
- To defend the Company in respect of any investigation or litigation and to comply with any court or tribunal orders for disclosure
- For any other reason which we may notify you of from time to time.

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We will only process special categories of your personal data (see above) in certain situations in accordance with the law. For example, we can do so if we have your explicit consent. If we ask for your consent to process a special category of personal data, then we will explain the reasons for our request. You do not need to consent and can withdraw consent later if you choose to by contacting your Data Protection Lead (DPL).

We do not need your consent to process special categories of your personal data when we process it for the following purposes:

- Where it is necessary for carrying out rights and obligations under employment law
- Where it is necessary to protect your vital interests or those of another person where you/they are physically or legally incapable of giving consent
- Where you have made the data public.
- Where processing is necessary for the establishment, exercise or defence of legal claims.
- Where processing is necessary for the purposes of occupational health or for the assessment of your working capacity.

We might process special categories of your personal data for the purposes in paragraph 7.2 which have an asterisk beside them. In particular, we will use information in relation to:

- Your race, ethnic origin, religion, sexual orientation or gender to monitor equal opportunities
- Your sickness absence, health and medical conditions to monitor your absence; assess your fitness for work; pay you benefits; comply with our legal obligations under employment law, including making reasonable adjustments; and look after your health and safety.
- Your trade union membership to pay any subscriptions and to comply with our legal obligations in respect of trade union members
- The Trust does not take automated decisions about you using your personal data or use profiling in relation to you

## 8. Sharing Personal Data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a student or parent / carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this

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- Our suppliers or contractors need data to enable us to provide services to our staff and students – for example, IT companies. When doing this, we will:
  - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law and have a robust GDPR policy and procedures in place.
  - Establish contract with the supplier or contractor, to ensure the fair and lawful processing of any personal data we share
  - Only share data that the supplier or contractor needs to carry out their service
- We require those people and companies to keep your personal data confidential and secure and to protect it in accordance with the law and our policies. They are only permitted to process your data for the lawful purpose for which it has been shared and in accordance with our instructions.

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our students or staff.

The Trust does not send your personal data outside the European Economic Area. If this changes, we will tell you. We'll also explain the protections that are in place to protect the security of your data.

Where we transfer personal data internationally, we will do so in accordance with data protection law.

## 9. Subject Access Requests and Other Rights of Individuals

### 9.1 Subject Access Requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust/school holds about them. This includes:

- Confirmation that their personal data is being processed

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- 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
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority. You can do this by contacting the Information Commissioner's Office directly. Full contact details, including a helpline number, can be found on the Information Commissioner's Office website ([www.ico.org.uk](http://www.ico.org.uk)). The Information Commissioner's Office website has more information on your rights and our obligations.
- 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
- The safeguards provided if the data is being transferred internationally
- The right to be notified of a data security breach concerning your personal data where that breach is likely to result in a high risk of adversely affecting your rights and freedoms.

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and 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 Trust DPO.

### 9.2 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 below the age of 12 are generally not 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 pupils at our schools may be

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granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

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 schools 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.

### 9.3 Responding to Subject Access Requests

When responding to requests, we:

- May ask the individual to provide two forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within one month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one month, and explain why the extension is necessary

We will not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the student or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings (e.g. adoption and parental order records) or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts.

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will consider whether the request is repetitive in nature when making this decision.

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When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

### 9.4 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 7), 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, (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified based on public interest, official authority or legitimate interests
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement,)
- 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. Parental Requests to see the Educational Record

As a Trust, parents, or those with parental responsibility, have no legal right to free access to their child's educational record (which includes most information about a student) but we would consider any application and will respond within one month of receipt of a written request.

If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

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### **11. Biometric Recognition Systems - When Appropriate**

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 scans 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 a school’s biometric system(s). We will provide alternative means of accessing the relevant services for those students. For example, students can have access to a pre-paid card system.

Parents/carers and students can 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 Trust/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 a school will delete any relevant data already captured.

### **12. CCTV**

We use CCTV in various locations around the Trust and school sites to ensure they remain safe. We will adhere to the ICO’s code of practice for the use of CCTV – details are included within the HISP Trust CCTV policy available on request.

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 Dr Kevin Thurlow-Criss via [info@hispmat.org](mailto:info@hispmat.org)

### **13. Photographs and Videos**

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As part of our activities, we may take photographs and record images of individuals within the Trust and our schools.

We will obtain written consent from parents/carers, or students aged 16 and under, for photographs and videos to be taken of students for communication, marketing and promotional materials.

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.

Any photographs and videos taken by parents/carers/pupils at school events for their own personal use are not covered by data protection legislation. However, we will ask at any event, that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school on notice boards and in school magazines, brochures, newsletters, etc.
- Classroom scenario's to assist the professional development of trainee teachers
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website 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, to ensure they cannot be identified.

## **14. 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 data protection impact assessments where a 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)

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- 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 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 schools and 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, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the EEA and the safeguards for those, retention periods and how we are keeping the data secure

## 15. Data Security and Storage of Records

Everyone who works for, or on behalf of, the HISP Trust has some responsibility for data protection.

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
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Unnecessary copies of personal data must not be made
- Where personal information needs to be taken off Trust sites, staff must sign in and out from the Trust/school office, kept securely during the time off site and must be confidentially disposed of when returned to school.
- Passphrases that are at least 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites.
- Computer screens must be locked when not at desks.

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- 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 Acceptable Use Policy)
- 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 8)
- Information Technology systems are designed to ensure data is held securely and confidentially, and that data cannot be accessed either over a network or locally by unauthorised people
- Data security processes prevent tampering or unauthorised changing of data
- Data storage security arrangements are in place to minimise the risk that storage resources are destroyed or made inaccessible either deliberately or accidentally due to natural disaster, power failure or mechanical breakdown.
- Personal data should never be transferred outside the European Economic Area except in compliance with the law and with the authorisation of the DPO
- Personal data should be shredded and disposed of securely when you have finished with it

### Data Retention

- We will only retain personal data and sensitive data for as long as necessary for the purposes for which we collected it. After this time, it will be deleted or archived.
- We will maintain retention policies and procedures to ensure personal data is deleted after an appropriate time unless a law requires that data to be kept for a minimum time.
- We will make sure data subjects are provided with information about the period for which data is stored and how that period is determined in any applicable Privacy Notice.

## 16. 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/school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law and request certification of destruction

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## **17. Personal Data Breaches**

The Trust will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in Appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the Trust or a schools website which shows the exam results of students eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about students

## **18. Training**

All staff and Academy Committee Members are provided with data protection training as part of their induction process.

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

## **19. Monitoring Arrangements**

The DPO is responsible for monitoring and reviewing this policy. This policy will be reviewed and approved annually by the Trust Board.

## **20. Useful Links and Contacts**

The following internal policies should be read alongside this General Data Protection Policy and provide further guidance:

- Freedom of Information Policy and Publication Scheme
- Child Protection and Safeguarding Policy
- ICT Online Safety and Acceptable use Policy
- CCTV Policy
- GDPR Photo Permission Document
- ICT Agreement

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- Publication scheme (Freedom of Information)
- Social Media
- Website
- [Recruitment Policy]
- [Disciplinary Policy]
- [Appraisal Policy]
- [Training & Development Policy]
- [Computer, Email and Internet Policy]
- [Homeworking Policy]

Our DPO at the time of publication of this Policy is Dr Kevin Thurlow-Criss. Our DPO can be contacted via [info@hispmat.org](mailto:info@hispmat.org)

Useful information and guidance about the matters covered in this Policy can be found on [www.ico.org.uk](http://www.ico.org.uk).

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### Appendix 1 Personal Data Breach Procedure

This procedure is based on guidance on personal data breaches produced by the ICO.

- On finding or causing a breach, or potential breach, the staff member, local governor or data processor must immediately notify the DPO/DPL
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
  - Lost
  - Stolen
  - Destroyed
  - Altered
  - Disclosed or made available where it should not have been
  - Made available to unauthorised people
- The DPO will alert the headteacher/head of school/principal and the chair of AC [Staff and governors will cooperate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation]
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the Headteacher/Head of school/Principal and the chair of AC. This will also be shared with the CEO and trust board
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out at the end of this procedure) Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen before and after the implementation of steps to mitigate the consequences
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's self-assessment tool
- This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
  - Loss of control over their data
  - Discrimination
  - Identify theft or fraud
  - Financial loss

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- Unauthorised reversal of pseudonymisation (for example, key-coding)
- Damage to reputation
- Loss of confidentiality
- Any other significant economic or social disadvantage to the individual(s) concerned
- If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.
- The DPO will document the decision (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on the school's computer system
- Where the ICO must be notified, the DPO will do this via the '[report a breach](#)' [page of the ICO website](#), or through their breach report line (0303 123 1113), within 72 hours. As required, the DPO will set out:
  - A description of the nature of the personal data breach including, where possible:
    - The categories and approximate number of individuals concerned
    - The categories and approximate number of personal data records concerned
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's/Trusts awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
  - A description, in clear and plain language, of the nature of the personal data breach
  - The name and contact details of the DPO
  - A description of the likely consequences of the personal data breach
  - A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned

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As above, any decision on whether to contact individuals will be documented by the DPO.

- The DPO will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
  - Facts and cause
  - Effects
  - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
  - Records of all breaches will be stored on the schools computer system
- The DPO and Headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO and the Trust CEO, Headteacher/Head of school/principal will meet regularly to assess recorded data breaches and identify any trends or patterns requiring action by the school or Trust to reduce risks of future breaches

### **Actions to Minimise the Impact of Data Breaches**

We will take the actions set out below to mitigate the impact of different types of data breach, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach. The following are examples:

### **Sensitive information being disclosed via email (including safeguarding records)**

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the IT Department to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- In any cases where the recall is unsuccessful or cannot be confirmed as successful, the DPO will consider whether it's appropriate to contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way

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- The DPO will endeavour to obtain a written response from all the individuals who received the data, confirming that they have complied with this request
- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- If safeguarding information is compromised, the DPO will inform the Designated Safeguarding Lead and discuss whether the school should inform any, or all, of its local safeguarding partners

### **Theft and Access of Computer Equipment**

- We will ensure all laptops and similar are encrypted and we have a complex passphrase policy in place
- The Trust has an Acceptable Use of ICT Policy for staff to ensure ICT and networks of the school are kept secure