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## Data Protection Policy

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### 1. Aims

Our school aims to ensure that all personal data collected about staff, pupils, parents and carers, governors, visitors and other individuals is collected, stored and processed in accordance with UK data protection law.

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:

UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)

[Data Protection Act 2018 \(DPA 2018\)](#)

It is based on guidance published by the Information Commissioner’s Office (ICO) on the [UK GDPR](#) and guidance from the Department for Education (DfE) on [Generative artificial intelligence in education](#).

### 3. Definitions

Term	Definition
<b>Personal data</b>	Any information relating to an identified, or identifiable, living individual
<b>Special categories of personal data</b>	Personal data which is more sensitive and so needs more protection, including information about an individual’s: <ul style="list-style-type: none"><li>● Racial or ethnic origin</li><li>● Political opinions</li><li>● Religious or philosophical beliefs</li><li>● Trade union membership</li><li>● Genetics</li><li>● Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes</li><li>● Health - physical or mental</li><li>● Sex life or sexual orientation</li></ul>
<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 controller</b>	A person or organisation that determines the purposes and the means of processing 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 school processes personal data relating to parents and carers, pupils, staff, governors, visitors and others, and therefore is a data controller.

#### 5. Roles and responsibilities

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

##### 5.1 Governing board

The governing board has overall responsibility for ensuring that our school complies with all relevant data protection obligations.

##### 5.2 Data protection officer (DPO)

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 governing board and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

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

Our DPO is **Emma Thomas** and is contactable via email:  
[emmathomas@bridgeschoolmalvern.org](mailto:emmathomas@bridgeschoolmalvern.org)

### 5.3 Headteacher

The headteacher acts as the representative of the data controller on a day-to-day basis.

### 5.4 All staff

Staff are responsible for:

- 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 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 UK
  - 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 UK 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
- 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 school aims to comply with these principles.

## 7. Collecting personal data

### 7.1 Lawfulness, fairness and transparency

We will only process personal data where we have 1 of 6 'lawful bases' (legal reasons) to do so under data protection law:

- the data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- the data needs to be processed so that the school can **comply with a legal obligation**
- the data needs to be processed to ensure the **vital interests** of the individual or other person ie. to protect someone's life
- the data needs to be processed so that the 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 school (where the processing is not for any tasks the school 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 pupil) has freely given clear **consent**

For special categories of personal data, we will also meet 1 of the special category conditions for processing under data protection law:

- 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 ensure the **vital interests** of the individual or other 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 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 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 the 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 other 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

