

# DATA PROTECTION POLICY

The OHC&AT Board of Trustees has agreed this Policy – 10<sup>th</sup> December 2021.

Jay Mercer  
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer".

Peter Lauener  
Chair of OHC Board

A handwritten signature in black ink, appearing to read "Peter Lauener".

# Data Protection Policy

## INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. This policy outlines the framework which OHC&AT has in place to help ensure compliance with data protection law, including the UK General Data Protection Regulation (**UK GDPR**) and the Data Protection Act 2018 (**DPA**).

OHC&AT comprises two separate legal entities, Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT) working together to deliver educational excellence. Any and all references to OHC&AT should be assumed to apply to both OHC and OHCAT.

Any references to staff include peripatetic staff, volunteers, agency governors and trustees.

## ROLES, RESPONSIBILITIES AND GOVERNANCE

The Board of Trustees has appointed a Data Protection Officer: GDPR Sentry Limited, Unit 434 Birch Park, Thorp Arch Estate, Wetherby, LS23 7FG – 0113 804 2035.

The Data Protection Officer is responsible for advising on OHC&AT's compliance with data protection law. OHC&AT has ensured that the Data Protection Officer has sufficient time and resources to fulfil their tasks.

Data protection reports are regularly provided to OHC&AT's Executive Senior Leadership Team (ESLT) who are responsible for OHC&AT's data protection compliance.

All staff have a role to play in our data protection compliance. Staff are encouraged to ask questions and raise concerns with their line manager or the Data Protection Officer via the Business Support Partner, Rachael Tucker: [data.protection@ohcat.org](mailto:data.protection@ohcat.org) / 020 3897 7002. This allows us to regularly review and strengthen the data protection measures which we have in place.

The Data Protection Officer will ensure that the content and implementation of the procedures set out in this policy are reviewed regularly.

Any personal data breaches at OHC&AT will be followed by a review of the relevant procedures by the Business Support Partner and the Data Protection Officer where they are reported to the ICO and a report made to ESLT.

## **COMPLIANCE MEASURES**

OHC&AT helps to ensure compliance with data protection law using the measures outlined below.

### **Training**

All staff receive data protection training as part of their induction and refresher training is provided bi-annually. The training is online and staff must pass a test to complete the training.

The training includes (but is not limited to) the practical application of the UK GDPR's principles in a school context, guidance on how to keep personal data secure and when staff should contact the Data Protection Officer.

There is additional role specific training available for administrators, teachers and senior leaders. Further information is available from the Data Protection Officer.

The Data Protection Officer attends external training which is appropriate to their role as the senior individual who leads on OHC&AT's data protection compliance.

Other teams and departments are given data protection training which is specific to their role or function as follows: Introductory training for all staff; GDPR for Administrators; GDPR for Teachers; GDPR for Senior Leaders.

### **Policies and guidance**

All staff at OHC&AT are required to comply with the following documents in relation to data protection:

- Data Protection Policy
- Data Protection Policy Guidance for Staff
- Information Security Policy
- IT Acceptable Use Policy
- Data Breach Policy
- Information and Records Retention Policy
- Guidance for Staff on the Use of Photographs and Videos

The Data Protection Officer and ESLT hold overall responsibility for implementing these policies.

### **Documentation**

Documenting how we comply with data protection law is a key part of our compliance. In addition to the documents listed above we:

- maintain a record of how we use personal data as required under Article 30 of the UK GDPR
- document our lawful bases for using personal data through our privacy notices
- keep a record of our legitimate interests' assessments

- carry out risk assessments and, when required, a data protection impact assessment
- retain records of any consents obtained to use personal data
- maintain a register of any data breaches. The Data Protection Officer is responsible for maintaining this. All staff understand that they must inform the Data Protection Officer of any suspected breach so that the register can be kept up to date
- record when staff complete data protection training to ensure that all staff have received the appropriate level of training.

## **Privacy notices**

OHC&AT has provided privacy notices to the individuals whose personal data we process. These privacy notices are published on OHC&AT's websites.

We are mindful that some of our pupils/students are competent to exercise their own data protection rights. In light of this, we have developed a privacy notice for pupils/students which is age appropriate and addressed directly to the pupils/students.

In addition, OHC&AT explains how personal data will be used on a case by case basis as appropriate. For example, forms that are used to collect personal data will include a brief description of how and why it will be used, and cross refer to the applicable privacy notice on our website.

## **Data protection by design and default**

OHC&AT has built the data protection principles into practices by implementing appropriate technical and organisation measures. This is known as data protection by design.

We also ensure that we only use the minimum amount of personal data to achieve our purposes - known as data protection by default.

More specifically we do the following:

- at the start of any new project, or new activity, which involves using personal data (e.g. working with a new external activity provider, implementing new software or hardware) the relevant manager or project lead considers how they will comply with the data protection principles;
- we make it clear on any data collection forms what personal data must be provided and what is optional;
- we proactively consider data protection risks and adopt appropriate measures to protect personal data e.g. encryption, physical security;
- our external facing documents (e.g. privacy notices) are accessible and age appropriate;
- before we share personal data externally we check that we have a lawful basis and that the sharing is fair;
- we regularly review the measures which are in place to ensure that they are still appropriate;

- we have developed a culture where staff understand the importance of data protection; and
- if something has not gone right, or if there has been a "near miss", then we will look at what has happened to improve our practices, for example, by providing additional staff training and awareness.

The Data Protection Officer determines whether a Data Protection Impact Assessment is required before OHC&AT begins any new type of processing activity. For example, before OHC&AT introduces new software to store pupil/student records.

## **Individuals' rights**

We are committed to allowing individuals to exercise their rights under the UK GDPR. These rights are as follows:

- right of access (i.e. making a subject access request);
- right to rectification;
- right to erasure;
- right to restriction;
- right to data portability; and
- right to object.

Staff are trained to recognise when an individual is exercising a right under the UK GDPR and action accordingly.

OHC&AT keeps a log of all requests to exercise rights with the applicable deadline for our response. This log is maintained by the Data Protection Officer.

To ensure that we meet our obligations the Data Protection Officer co-ordinates our response to all requests. The Data Protection Officer has detailed knowledge of how to respond to individuals' rights. The Data Protection Officer will involve other members of staff, as appropriate, in formulating OHC&AT's response.

Consideration is given to at least the following issues when responding to rights:

- the importance of responding within the statutory timeframe, usually one calendar month;
- whether a pupil or student's consent should be sought before responding to their parent;
- whether further engagement with the requester is needed, e.g. to ask for ID or to seek clarification of their request;
- the exemptions under the Data Protection Act;
- the provision of supplementary information (e.g. sources and purposes) under a subject access request;
- whether the request can be refused, or a reasonable fee charged, because it is manifestly unfounded or excessive; and
- how to securely send our response to the requester.

## **Information security**

OHC&AT has put in place technical and organisational measures to ensure the confidentiality, availability and integrity of personal data. The Data Protection Officer is responsible for determining the appropriate organisational measures, for example, staff training and guidance. The Head of IT leads on the technical side of our information security, for example, network security.

OHC&AT has implemented an Information Security Policy for staff.

We appreciate that prompt action is vital when handling information security incidents. Staff are trained to report any suspicions or concerns regarding potential personal data breaches to the Data Protection Officer immediately.

The Data Protection Officer will carry out an initial investigation and determine if the incident constitutes a personal data breach. If so, the procedure outlined in the Data Breach Policy and Procedure will be followed.

## **Processors**

OHC&AT has procedures in place to check that organisations acting as our processors are complying with the UK GDPR. The Data Protection Officer and relevant Head/Director are responsible for implementing these procedures.

OHC&AT has contracts in place with our processors which include the specific terms required by the UK GDPR. Legal advice is sought as required regarding these contracts.

Staff will contact the Data Protection Officer if they need to share information with an organisation which may act as OHC&AT's processor so that the Data Protection Officer can check that the appropriate measures are in place.

## **International transfers**

OHC&AT maintains a record of when it transfers personal data outside of the UK or the EEA and what safeguard or derogation is relied on under the UK GDPR. The Data Protection Officer is responsible for maintaining this record.

Staff are trained to speak to the Data Protection Officer before transferring personal data outside of the UK or the EEA.

## **Data Protection Fee**

OHC&AT has procedures in place to ensure that the data protection fee is paid to the Information Commissioner's Office for all controllers.

The Data Protection Officer is responsible for ensuring the fee is paid on time.

## **POLICY REVIEW INFORMATION**

<i>Version:</i>	2.1
<i>Reviewer:</i>	Lynn Barratt, Rachael Tucker
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	10 <sup>th</sup> December 2021
<i>Due for review:</i>	Autumn 2021

## **RELATED POLICIES AND DOCUMENTATION**

Child Protection Adult Protection & Safeguarding Policy  
CCTV Policy  
Data Breach Policy  
Data Protection Policy: Guidance for Staff  
Freedom of Information Policy  
Guidance for Staff on the Use of Photographs and Videos  
Information and Records Retention Policy  
Information Security Policy  
IT Acceptable Use Policy  
Privacy Notices  
Staff Code of Conduct