

# Chorus Education Trust

## Data Protection Policy

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## 1. Aims

Chorus Education Trust (CET) aims to ensure that all personal data collected about staff, pupils, parents and carers, trustees, governors, visitors and other individuals is collected, stored and processed in accordance with the 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](#) 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 [guidance](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with our [funding agreement\(s\) and articles of association](#).

## 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>● Address and contact details</li> <li>● Identification numbers such as NI or passport number</li> <li>● Location data</li> <li>● Online identifier, such as a username</li> <li>● Photographs or video footage</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>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual’s:</p> <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> </ul>

	<ul style="list-style-type: none"> <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.
<b>Data Protection Officer (DPO)</b>	A named individual who helps the school or trust protect their data and stay compliant with data protection regulations
<b>Information Commissioner's Office (ICO)</b>	The UK supervisory authority for data protection. They have the responsibility for enforcing the data protection regulations (UK GDPR)
<b>UK General Data Protection Regulation (UK GDPR)</b>	The UK GDPR is the retained EU law version of the General Data Protection Regulation ((EU) 2016/679) (EU GDPR)
<b>GDPR</b>	The Data Protection Act 2018 is the UK's implementation of the General Data Protection. Regulation (GDPR)

## 4. The data controller

CET processes personal data relating to parents and carers, pupils, staff, trustees, governors, visitors and others, and therefore is a data controller.

CET is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

## 5. Roles and responsibilities

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

### 5.1 Board of Trustees

The Board has overall responsibility for ensuring that CET complies with all relevant data protection obligations.

## 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 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 CET processes, and for the ICO.

Our DPO is **EduDataPro** and is contactable via [dpo@edudatapro.com](mailto:dpo@edudatapro.com).

Internally our data protection lead is:

- Central Team - Central MIS Manager
- Schools – MIS Manager or Business Manager, as appropriate for the setting.

## 5.3 Chief Executive Officer (CEO)

The Chief Executive Officer 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 trust 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 or suspected 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 the Trust 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 Trust aims to comply with these principles.

## 7. Collecting personal data

### 7.1 7.1 Lawfulness, fairness and transparency

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

- The data needs to be processed so that CET can **fulfil a contract** with the individual, or the individual has asked CET to take specific steps before entering into a contract
- The data needs to be processed so that CET can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that CET, 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 CET (where the processing is not for any tasks CET 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 one 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 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
- 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.

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 Trust's [record retention schedule](#).

## 8. Sharing personal data

We are required to routinely share personal data with our local authority, the Department for Education and other schools or colleges that our pupils go to when leaving us. The law allows us to do this without relying on consent. In addition, we may be required to share personal data with other organisations, agencies or companies for example in situations where: Our suppliers or contractors need data to enable us to provide services to our staff and pupils. When doing this, we will:

- Only appoint suppliers or contractors that can provide sufficient guarantees that they comply with data protection law
- Establish a 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 may also share personal data with law enforcement and government bodies where we are legally required to do so.

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 pupils or staff.

In some circumstances we may request consent before sharing personal data. Where we are required to transfer personal data internationally, we will do so in accordance with UK data protection law.

Further details of how we share data can be found in our [privacy notices](#).

## 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 CET holds about them. This includes:

- Confirmation that their personal data is being processed
- 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
- 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.

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:

- School / Central MIS Manager – pupil data (or other not listed below)
- School Business Manager / Central HR Manager – staff data
- School PA / Central Executive Assistant – governor or trustee data.

## 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 aged 13+ 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 pupils at a school in CET may not be 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.

## 9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 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 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary.

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child 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 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 take into account whether the request is repetitive in nature when making this decision.

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 that has been justified on the basis of public interest, official authority or legitimate interests
- 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).

If staff receive such a request, they must **immediately** forward it to the School / Central Team MIS Manager or School Business Manager.

## 10. Biometric recognition systems

Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with), 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 at a school in CET, 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. Written consent includes permission given electronically from a known email address or via the Arbor parent portal.

Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils.

Parents/carers and pupils can object to participation in the school's biometric recognition system(s), or withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil 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 pupil's parent(s)/carer(s).

Where staff members or other adults use the 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 the trust will delete any relevant data already captured.

## 11. Surveillance Camera Systems (CCTV)

We use CCTV in various locations around the Central Team office and school sites to ensure we remain safe. We will follow the [ICO's guidance](#) for the use of CCTV and comply with data protection principles.

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 either the Central Team ICT Director or Facilities Director in the first instance. Also see our [CCTV Procedures and Statement](#) document available on request.

## 12. Photographs and videos

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

### 12.1 Introduction

CET recognises the importance of protecting the privacy and safety of our pupils while allowing for appropriate and responsible use of images within our school communities. These guidelines and procedures for capturing, using, and sharing student images are in accordance with the principles of the UK GDPR and guidance provided by the NSPCC.

### 12.2 Scope

The guidelines apply to all pupils, staff, and volunteers at CET and covers the use of student images in various school-related activities, including but not limited to classroom instruction, school events, and school publications. This is especially relevant for pupils aged 13 or over who have the capacity to provide their own consent.

### 12.3 Consent

- a) Pupils Aged 13 or Over:
  - i) Pupils aged 13 or over are considered to have the capacity to provide their own consent regarding the use of their images. Consent will be sought from them and the way in which the image will be used described before using their images for school-related purposes.
  - ii) Each school in CET will maintain a record of consent provided by pupils.
  - iii) Pupils can revoke their consent at any time, and each school will cease using their images as promptly as allowed by the medium in which the image appears upon notification.
  - iv) Parents/Carers of students aged 13 or over will be notified that their child has been given the opportunity to provide their own image use consent and this notification will include the opportunity for parents/carers to advise the appropriate Designated Safeguarding Lead of any legitimate safeguarding reason as to why their child's image should not be used for display, either in school or externally.
- b) Pupils Under 13:
  - i) For pupils under the age of 13, consent will be obtained from their parent/carer for the use of images in external, internal or educational purposes.

- ii) Each school in CET will maintain a record of consent provided for pupils.
  - iii) Parents/carers can revoke their consent at any time, and each school will cease using images of their child as promptly as allowed by the medium in which the image appears upon notification.
- c) Additional explicit consent where the sharing of images alongside personal data may be desirable for publicity or recognition of pupil success:
- i) Additional explicit consent will be sought where images are to be used alongside personal information in school publications or via third parties, such as media outlets.
  - ii) Consent will be obtained from parents/carers or from pupils themselves if they are aged 13 or over.
  - iii) Parents/carers of pupils aged 13 or over will be informed before their child's image is used to enable them to advise of any legitimate safeguarding reason as to why their child's image and personal information should not be used in this way.

## 12.4 Use of Images

- a) Images will not routinely be displayed with full names (forename plus surname) to protect pupils' privacy.
- b) Images used in official school publications, websites, and social media platforms will be carefully selected and will not include any content that might compromise the safety, dignity, or reputation of the pupils.
- c) Images shared with third parties, such as media outlets, will not routinely identify individuals and explicit additional permission will be sought in situations where this is not the case (see section 3c).

## 12.5 Capturing and Sharing Images

- a) An image of each pupil will be captured by each school in CET for the purpose of identification.
  - i. Consent is not required for the capture of these images as they are obtained on the basis of carrying out a Public Task.
  - ii. Such images will be securely stored in each school's management information system (MIS) which is a password-protected location accessible only to authorised school staff.
  - iii. Such images will be updated at regular intervals.
  - iv. Such images will not routinely be used for display purposes outside of the MIS but if they are to be used then consent is required (see section 3).
- b) Images of pupils may additionally be captured during school events, activities, and classroom instruction for the purposes of recording and celebrating student achievement.
  - i. Consent is not required for the capture of these images as they are obtained on the basis of carrying out a Public Task.
  - ii. Consent is required for the public use of such images for any purpose (see section 3).
  - iii. Such images will be stored securely in compliance with UK GDPR guidelines and will only be accessible to authorised school personnel who have a legitimate need to use them for educational or promotional purposes within the school.
  - iv. Such images may be captured by or shared with third parties (e.g., media outlets) only where consent has been obtained (see section 3). Additional personally identifiable

information will not routinely be shared with third parties alongside such images unless explicit permission has been obtained in accordance with section 3c.

- c) Images of pupils taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons.

## 12.6 Capturing and Sharing Images

- a) Pupil images will be retained only for the duration necessary to fulfil the purposes for which they were collected. Once the purpose has been fulfilled, images will be deleted or securely disposed of.
- b) Upon a pupil's request or upon reaching the end of the retention period, pupil images will be deleted.

## 12.7 Responsibilities

- a) CET safeguarding staff and school designated safeguarding leads will ensure that images are used within safeguarding guidelines, for instance by reversing a consent provided that might inadvertently jeopardise the safety of a pupil.
- b) Teachers, staff, and volunteers must be aware of and adhere to this policy and ensure that they have obtained proper consent before using student images.
- c) Each school will provide regular training to all relevant personnel regarding the proper use and handling of student images.

## 12.8 Complaints and Concerns

Pupils and their parents/carers are encouraged to report any concerns or complaints regarding the use of student images to each school's designated data lead or safeguarding lead.

# 13. Generative AI

Generative AI refers to technology that can be used to create new content based on large volumes of data that models have been trained on from a variety of works and other sources. For example, ChatGPT and Google Gemini are generative artificial intelligence (AI) tools built on large language models (LLMs).

## 13.1 Introduction

Chorus Education Trust (CET) recognises that generative AI creates opportunities and has the potential to reduce workload across the education sector, freeing up teachers' time to focus on delivering excellent teaching. However, there are also challenges as the content produced by AI could be inaccurate, inappropriate, biased, taken out of context and without permission, out of date or unreliable and therefore a data protection risk.

## 13.2 Scope

The guidelines apply to all pupils, staff, and volunteers at CET and covers the use of all Generative AI tools.

## 13.3 Using personal data in Generative AI tools

Identifiable personal data held by CET **must not** be used as prompt for generative AI tools because such tools store and learn from the data they are given. Individuals may choose to use their own personally identifiable data as a generative AI prompt at their **own** risk. Anonymised personal and special category data may be used in generative AI tools providing users within CET ensure that the products and procedures comply with data protection legislation and all existing data privacy policies in order to protect the data.

If personal data held by CET is to be used a prompt for a Generative AI tool then:

- it must not be personally identifiable
- it must not include special category data without permission (see section 3 above)
- it must not be used to make automated judgements such as the grading of student work or the shortlisting of applicants.

### 13.4 Using other information in Generative AI tools

Generative AI tools use the inputs submitted by users to further train and refine their models. However, pupils own the intellectual property (IP) rights to original content they create. Original content is likely to include anything that shows working out or is beyond multiple choice questions. IP can only be used to train AI if there is consent from the rights holder or an exemption to copyright applies. Some tools allow users to opt out of inputs being used to train the models and this option should be used wherever possible. Based on DfE recommendations and existing GDPR, data entered into generative AI tools:

- must not be pupils' original work unless appropriate consent has been given. Consent would need to be from the student if over 18, and from their parent or legal guardian if under 18.
- Must not be the IP of colleagues or external organisations unless permission or exemption to copyright has been obtained. Please note that exemptions to copyright are extremely limited.
- Must not include commercially sensitive information such as contracts or financial details
- must not be used to make automated judgements such as the grading of student work or the shortlisting of applicants.

### 13.5 Privacy Notices and Acceptable Use Policy

The following statement is used in all CET privacy notices:

- Employees of CET and students enrolled in CET schools will not enter any personal information or intellectual property that is not their own into generative AI tools whilst using CET computer systems or carrying out work for CET. Generative AI tools will not be used for making automated judgements regarding individuals.

The following statement is used in the CET Acceptable Use Policy:

- AI tools in our organization must only be used for approved tasks, ensuring compliance with data privacy, security, and ethical standards. Users must not enter any personal information or intellectual property that is not their own, nor any commercially sensitive information into generative AI tools. Users should avoid inputting any sensitive information unless the AI system is authorized, and they must review AI outputs for fairness and accuracy. Generative AI tools must not be used for making automated judgements regarding individuals. Misuse of AI, including generating misleading or biased content, or violating UK GDPR or intellectual property rights, is

prohibited. All AI activities may be monitored, and users are responsible for ensuring AI-generated content is. Failure to follow these guidelines may lead to disciplinary action.

## 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 (DPIAs) where CET'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)
- 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
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws will apply.

Maintaining records of our processing activities, including:

- For the benefit of data subjects, making available the name and contact details of CET, our 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 UK, and the safeguards for those, retention periods and how we are keeping the data secure.

## 15. Data security and storage of records

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 staff room tables, pinned to notice/display boards, or left anywhere else where there is general access

- Where personal information needs to be taken off site, staff must ensure it is kept secure at all times
- Passwords above specific length and complexity criteria are used to access Central Team/school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Staff, pupils, trustees or governors who store personal information on their personal devices are expected to follow the same security procedures as for trust-owned equipment (see our [ICT Acceptable Use Procedure](#))
- 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).

## 16. Disposal of records

Personal data that is no longer needed will be disposed of securely in line with our [retention schedule](#). 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's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## 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.

## 18. Training

All staff and Trustees/governors 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 Trust's processes make it necessary.

## 19. Monitoring arrangements

The DPO together with senior Central Team staff will monitor and review this policy.

This policy will be reviewed regularly in line with the review schedule on the front page and shared with the Board of Trustees.



## Appendix 1: Personal data breach procedure

This procedure is based on guidance on personal data breaches produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach, or potential breach, the staff member or data processor must immediately notify the School Business Manager, School Data Manager Central MIS Director or the DPO.
- The Business Manager, Data Manager, MIS Director or DPO will investigate the report and determine whether a breach has occurred. To decide, they 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
- Staff and governors/trustees will co-operate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If the breach has occurred or it is considered to be likely this is the case, the Business Manager, Data Manager or MIS Director will alert the DPO
- The DPO will work with appropriate staff to make all reasonable efforts to contain and minimise the impact of the breach. The DPO should take external advice when required. (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
- The DPO will document the decisions (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 in the GDPRiS system
- Where the ICO must be notified, the DPO will do this via the ['report a breach' page of the ICO website](#), or through its breach report line (03031231113), within 72 hours of the trust's awareness of the breach. 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 trust's 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
- Where the trust is required to communicate with individuals whose personal data has been breached, the Business Manager, MIS Manager, MIS Director or DPO will ensure they are informed in writing. This notification will set out:
  - A description, in clear and plain language, of the nature of the personal data breach
  - 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
- The DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, financial institutions, etc
- The Business Manager, MIS Manager, MIS Director or 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 GDPRiS system.

Breaches are monitored through the school Local Governing Body and the Trustee Audit and Risk Committee on a termly basis. In the event of a serious breach reportable to the ICO, the DPO, Central MIS Director and CEO or COO will meet to review what happened and how it can be stopped from happening again. Such a meeting will happen as soon as reasonably possible

### **Example 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. We will review the effectiveness of these actions and amend them as necessary after any data breach.

- Investigate CET systems to confirm the source of the breach.
- Interview staff and pupils to investigate the reason for the breach. (e.g. malicious or accidental)
- Contact recipients of data and request that the data in question is deleted, and not shared, published or replicated, and evidence of this action is provided (e.g. screenshot of deletion)
- Attempt to remotely wipe a lost or stolen Central Team/school phone or other device
- Log requests with internet based providers to remove copies of any breached data.
- Change login credentials for any compromised accounts

- Document actions and outcomes.

## Appendix 2: Appropriate Policy Document (APD)

Our processing of special categories of personal data and criminal offence data

As part of our Trust's functions, we process special category data and criminal offence data in accordance with the requirements of Article 9 and 10 of the UK General Data Protection Regulation ('UK GDPR') and Schedule 1 of the Data Protection Act 2018 ('DPA 2018').

### Special category data

Special category data is defined at Article 9 UK GDPR as personal data revealing:

- Racial or ethnic origin;
- Political opinions;
- Religious or philosophical beliefs;
- Trade union membership;
- Genetic data;
- Biometric data for the purpose of uniquely identifying a natural person;
- Data concerning health; or
- Data concerning a natural person's sex life or sexual orientation.

It is also important to be aware that some of the [nine protected characteristics outlined in the Equality Act 2010](#) are classified as special category data. These include **race**, **religion** or **belief**, and **sexual orientation**. They may also include **disability**, **pregnancy**, and **gender reassignment** in so far as they may reveal information about a person's **health**.

### Criminal conviction data

Article 10 UK GDPR covers processing in relation to criminal convictions and offences or related security measures. In addition, section 11(2) of the DPA 2018 specifically confirms that this includes personal data relating to the alleged commission of offences or proceedings for an offence committed or alleged to have been committed, including sentencing. This is collectively referred to as 'criminal offence data'.

### This policy document

Some of the Schedule 1 conditions for processing special category and criminal offence data require us to have an Appropriate Policy Document ('APD') in place, setting out and explaining our procedures for securing compliance with the principles in Article 5 and policies regarding the retention and erasure of such personal data.

This document explains our processing and satisfies the requirements of Schedule 1, Part 4 of the DPA 2018.

In addition, it provides some further information about our processing of special category and criminal offence data where a policy document isn't a specific requirement. The information supplements our privacy notices which are available on the school or trust website.

### Conditions for processing special category and criminal offence data

We process special categories of personal data under the following UK GDPR Articles:

1. Article 9(2)(b) – where processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the trust or the data subject in connection with **employment**, social security or social protection.

Examples include our processing of staff sickness absences.

2. Article 9(2)(g) - reasons of **substantial public interest**.

The trust is a public body. Our processing of personal data in this context is for the purposes of substantial public interest and is necessary for the carrying out of our role.

An example of this processing would include sharing special category data with the DfE when required, for example as part of the school census.

3. Article 9(2)(j) – for **research** purposes in the public interest.

The relevant purpose we rely on is Schedule 1 Part 1 paragraph 4 – research.

An example of our processing is working with universities and the Department of Education to provide data for research purposes to help improve UK schools and education.

4. Article 9(2)(h) – the treatment or the **management of health**.

Examples include our processing of data received from an NHS professional or other healthcare worker about one of our pupils.

5. Article 9(2)(i) – for reasons of public interest in the area of **public health**.

Examples include our sharing data about our staff or pupils with the NHS in the case of a pandemic.

6. Article 9(2)(a) – **explicit consent**

In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes, is given by an affirmative action and is recorded as the condition for processing.

Examples of our processing include information about student or staff dietary requirements, allergies and other health information that we require to look after the wellbeing of our pupils and workforce.

When we ask for ethnicity (requested by the DfE for school census returns) we make it clear that providing it is optional and by providing it the data subject (or their parent/carer) is consenting for it to be shared with the DfE.

7. Article 9(2)(c) – where processing is necessary to protect the **vital interests** of the data subject or of another natural person.

An example of our processing would be using health information about a student or member of staff in a medical emergency.

We process criminal offence data under Article 10 of the UK GDPR.

Examples of our processing of criminal offence data include pre-employment checks (DBS, barred list) and declarations by a member of the trust workforce in line with contractual or safeguarding obligations.

### **Processing which requires an Appropriate Policy Document**

Almost all of the substantial public interest conditions in Schedule 1 Part 2 of the DPA 2018, plus the condition for processing employment, social security and social protection data, require an APD (see Schedule 1 paragraphs 1 and 5).

This section of the policy is the APD for the school. It demonstrates that the processing of special category ('SC') and criminal offence ('CO') data based on these specific Schedule 1 conditions is compliant with the requirements of the UK GDPR Article 5 principles. In particular, it outlines our retention policies with respect to this data.

### **Description of data processed**

- Health and medical data - workforce and pupils
- Ethnicity - pupils and workforce
- Biometric data (fingerprint) for cashless catering purposes
- Criminal records - DBS checks for all members of the school workforce (paid and unpaid).

Further information about this processing can be found in our privacy notices.

We also maintain a record of our processing activities in accordance with Article 30 of the UK GDPR.

## **Schedule 1 conditions for processing**

### **Special category data**

We process SC data for the following purposes in Part 1 of Schedule 1:

- **Paragraph 1(1)** employment, social security and social protection.

We process SC data for the following purposes in Part 2 of Schedule 1. All processing is for the first listed purpose and might also be for others dependent on the context:

- **Paragraph 6(1) and (2)(a)** Statutory etc and government purposes
- **Paragraph 8(1) and (2)** Equality of opportunity or treatment
- **Paragraph 18(1)** Safeguarding of children and of individuals at risk.

### **Criminal offence data**

We process criminal offence data for the following purposes in parts 1 and 2 of Schedule 1:

- **Paragraph 1** – employment, social security and social protection.

## **Procedures for ensuring compliance with the principles**

### **Accountability principle**

We have put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- The appointment of a data protection officer who reports directly to our highest management level.
- Taking a 'data protection by design and default' approach to our activities.
- Maintaining documentation of our processing activities.
- Adopting and implementing data protection policies and ensuring we have written contracts in place with our data processors.
- Implementing appropriate security measures in relation to the personal data we process.
- Carrying out data protection impact assessments for our high-risk processing.

We regularly review our accountability measures and update or amend them when required.

**Principle (a): lawfulness, fairness and transparency**

Processing personal data must be lawful, fair and transparent. It is only lawful if and to the extent it is based on law and either the data subject has given their consent for the processing, or the processing meets at least one of the conditions in Schedule 1.

We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice, workforce privacy notice and this policy document.

Our processing for purposes of substantial public interest is necessary to function as a trust under the Education Act 2005.

Our processing for the purposes of employment relates to our obligations as an employer.

We also process special category personal data to comply with other obligations imposed on the trust by the Department for Education or our local authority.

**Principle (b): purpose limitation**

We process personal data for the purposes explained above when the processing is necessary for us to fulfil our statutory functions as a trust.

If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.

We will not process personal data for purposes incompatible with the original purpose it was collected for.

**Principle (c): data minimisation**

We collect personal data necessary for the relevant purposes and ensure it is not excessive. The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.

**Principle (d): accuracy**

Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified without delay. If we decide not to either erase or rectify it, for example because the lawful basis we rely on to process the data means these rights don't apply, we will document our decision.

**Principle (e): storage limitation**

All special category data processed by us for the purpose of employment or substantial public interest is retained for the periods set out in our retention schedule.

We determine the retention period for this data based on our legal obligations and the necessity of its retention for our business needs. Our retention schedule is reviewed regularly and updated when necessary.

**Principle (f): integrity and confidentiality (security)**

Electronic information is processed within our secure network. Paper copies of personal data are kept locked in filing cabinets in locked offices.

Our electronic systems and physical storage have appropriate access controls applied and only relevant staff have access to the files.

The systems we use to process personal data allow us to erase or update personal data at any point in time where appropriate.

**Retention and erasure policies**

Our retention and erasure practices are set out in our retention schedule which is available on request from the school office.

**APD review date**

This policy will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

This policy will be reviewed **annually** or revised more frequently if necessary.

**Additional special category processing**

We process special category personal data in other instances where it is not a requirement to keep an appropriate policy document. Our processing of such data respects the rights and interests of the data subjects. We provide clear and transparent information about why we process personal data including our lawful basis for processing in our privacy notice and workforce privacy notice.