

# Cowbridge School



## Data Protection and Freedom of Information Policy

In compliance with the General Data Protection Regulation (GDPR) and related guidance 2018

**Formulated by:** J Ling

**Adopted by Main Governing Body:** July 2018

**Last Reviewed:** November 2024

**Review:** Every two years or subject to changes in statutory guidelines or legislation

**Next Review:** November 2026

**Date of any amendments made to policy & brief points:**

Date	Section	Approved by
Summer 2018	Complete policy update	MGB July 2018
November 2024	Section 1 Para 3.5 Name of DPO updated Section 2 Para 4 List/location of school polices updated	SPW Committee 10.12.24

## SECTION 1: DATA PROTECTION

### 1. INTRODUCTION

- 1.1 This policy is designed to ensure that the eight 'data protection principles' are observed to ensure that information is:
- used fairly and lawfully;
  - used for limited, specifically stated purposes;
  - used in a way that is adequate, relevant, not excessive, and limited to what is necessary;
  - accurate;
  - kept for no longer than is absolutely necessary;
  - handled according to people's data protection rights;
  - kept safe and secure;
  - not transferred outside the European Economic Area without adequate protection.
- 1.2 The School is required to process personal data regarding staff, pupils and their parents/carers and shall take all reasonable steps to do so in accordance with this Policy. Processing is the collecting, using, disclosing, retaining or disposing of information. The data protection principles apply to all information held electronically or in structured paper files. The principles also extend to educational records – the names of staff and pupils, dates of birth, addresses, national insurance numbers, school marks, medical information, exam results, ALN assessments and staff development reviews.
- 1.3 In this Policy any reference to pupils, parents/carers, or staff includes current past or prospective pupils, parents/carers or staff.
- 1.4 All staff are responsible for complying with this policy.

### 2. SCOPE

- 2.1 This Policy covers the School's acquisition, handling and disposal of the personal and sensitive personal data it holds on all Staff, including temporary staff, agency workers, volunteers, parents/carers and pupils. It also applies to Governors and contractors. It explains the School's general approach to data protection which is to ensure that an individual's personal data and information is protected and appropriately processed and provides practical guidance which will help to ensure that the School complies with the **General Data Protection Regulation 2018** (GDPR)

### 3. DEFINITIONS

- 3.1 Personal data is:
- any information about a living person who can be identified (e.g. their name, address, online identifier such as an IP address, academic qualifications, school activities, attendance record, discipline, bank details and/or financial information in relation to parents/carers, additional learning needs, exam results, images of pupils engaging in school activities, references or expressions of opinion about them). It makes no difference if they can be identified directly from the record itself

or indirectly using other information in the School's possession or likely to come into the School's possession.

- personal information that has been, or will be, word processed or stored electronically (e.g. computer databases and CCTV recordings), personal information that is, or will be, kept in a file which relates to an individual or in a filing system that is organised by reference to criteria which relate to the individuals concerned (e.g. name, school year, school activities).
- any information about a person's mental or physical health or condition, their political or religious beliefs, race, ethnicity, sexual life or orientation, trade union membership, criminal offences or alleged offences and any proceedings.

### **3.1.1 Legal basis for Processing**

Personal information will only be processed where there is a lawful basis for doing so. Under the GDPR there are six available lawful bases for processing. The school will ensure that at least one of these will apply whenever the school processes personal data.

The use of data that does not need specific consent from data subjects will usually fall into the following areas:

- "Legal obligation" – for example required for returns to Welsh Government;
- "Public Task" – data processing needed in order to effectively manage the School.

The School has additional obligations in connection with the use of sensitive personal data (or Special Category Personal Data) namely at least one of the following conditions must be satisfied:

- The data subject has given explicit consent;
- Necessary for carrying out the obligations under employment, social security or social protection law or a collective agreement;
- Used in connection with ex-pupils / ex-staff provided it relates solely to them and there is no disclosure to a third party without consent
- Data manifestly made public by the data subject
- Various public interest situations as outlined in the General Data Protection Regulations.

### **3.2 Special category data is:**

- especially sensitive information about a person's mental or physical health or condition, their political or religious beliefs, race, ethnicity, sexual life or orientation, biometric data, trade union membership, criminal offences or alleged offences and any proceedings.

### **3.3 The data subject is:**

- The person the information relates to.

### **3.4 The Data Controller:**

- The School is the Data Controller and is responsible for determining the purposes of its use of data, what data it gathers and how this information is used. As the Data Controller the School is responsible for complying with the Act.

### **3.5 The Data Protection Officer:**

The School has appointed Mr J Ling as its Data Protection Officer (DPO) responsible for day to day compliance with this Policy. Mr R Stagg is the School's Deputy DPO.

They can be contacted at Cowbridge School, Aberthin Road, Cowbridge CF71 7EN, by telephone on 01446 772311 or at enquiries@cowbridgecs.co.uk

#### **4. ACQUIRING, USING AND DISPOSAL OF PERSONAL DATA**

**4.1** The School shall only process personal data for specific and legitimate purposes. These include:

- providing pupils and staff with a safe and secure environment, including images on CCTV. They are used for the purpose of detecting crime, ensuring personal security and the welfare of staff and pupils and the protection of the working environment. Images are kept for no longer than 31 days to meet these objectives, however, in certain circumstances such as an on-going investigation into criminal activity certain relevant images may be kept for longer but no longer than necessary to complete any such investigation.
- providing an education, staff training and pastoral care;
- providing activities for pupils and parents/carers: this includes school trips and activity clubs;
- providing academic, examination and career references for pupils and staff;
- protecting and promoting the interests and objectives of the School - this includes fundraising;
- safeguarding and promoting the welfare of pupils;
- monitoring pupils' and staff email communications, internet and telephone use to ensure pupils and staff are following the Cowbridge School IT Acceptable Use policy
- promoting the School to prospective pupils and their parents/carers;
- communicating with former pupils;
- for personnel, administrative and management purposes. For example, to pay staff and to monitor their performance;
- fulfilling the School's contractual and other legal obligations.

**4.2** Staff should seek advice from the DPO or Deputy DPO before using personal data for a purpose which is different from that for which it was originally acquired. If information has been obtained in confidence for one purpose, it shall not be used for any other purpose without the Data Protection Officer's permission.

**4.3** The School shall not hold unnecessary personal data, but shall hold sufficient information for the purpose for which it is required. The School shall record that information accurately and shall take reasonable steps to keep it up-to-date. This includes an individual's contact and medical details.

**4.4** The School shall not transfer personal data outside the European Economic Area (EEA) without the data subject's permission unless it is satisfied that the data subject's rights under the Act will be adequately protected and the transfer has been approved by the Data Protection Officer. This applies even if the transfer is to a pupil's parents/carers living outside the EEA.

**4.5** When the School acquires personal information that will be kept as personal data, the School shall be fair to the data subject and fair to whoever provides the information (if that is someone else) in that their data will be handled and safeguarded in compliance with the Act.

**4.6** The School shall only keep personal data for as long as is reasonably necessary and in accordance with the retention and disposal guidelines set out in the School's Document Retention Schedule. Staff should not delete records containing personal data without authorisation.

**4.7** The School will keep personal data secure and adopt technical and organisational measures to prevent unauthorised or unlawful processing of personal data.

## **5. INFORMATION AND EXPLANATION**

**5.1 Privacy Notice (Consent):** Individuals must be told what data is collected about them, and what it is used for. This is called a privacy notice or Consent Form.

**5.2 Purpose:** The privacy notice is to ensure that the School's collection and processing of personal data is done in a transparent way so it will explain who it applies to, why the information is being collected, what information will be collected how it will be acquired and processed, what it will be used for, which third parties (if any) it will be shared with and outline the data subject's rights, including the right to complain about the processing of their data to the Information Commissioner's Office (ICO) at Wycliffe House, Water Lane, Wilmslow. Cheshire SK9 5AF, telephone 0303 123 1113 or at <https://ico.org.uk/concerns/>. This will include requesting permission for using pupils' images for school business.

**5.3** Staff are not expected to routinely provide pupils, parents/carers and others with a privacy notice as this should have already been provided. Copies of the School's privacy notice for pupils and parents/carers can be obtained from the Data Protection Officer or accessed on the School's website.

## **6. PROTECTING CONFIDENTIALITY**

### **6.1 Disclosing personal data within the School:**

- Personal data should only be shared on a need to know basis. Personal data shall not be disclosed to anyone who does not have the appropriate authority to receive such information, irrespective of their seniority within the School or their relationship to the data subject, unless they need to know it for a legitimate purpose.
- personal contact details for a member of staff (e.g. their home address and telephone number, and their private mobile telephone number and e-mail address) shall not be disclosed to parents/carers, pupils or other members of staff unless the member of staff has given their permission.

### **6.2 Disclosing personal data outside of the School:**

- Sharing personal data with others is often permissible so long as doing so is fair and lawful under the Act. However, staff should always speak to the Data Protection Officer if in doubt, or if staff are being asked to share personal data in a new way.

**6.3** Before sharing personal data outside the School, particularly in response to telephone requests for personal data staff should:

- confirm the person phoning is legitimate by ending the call and phoning the relevant central switchboard asking to speak with the employee making the request;
- make sure they are allowed to share it – that they have the necessary consent;
- ensure adequate security. What is adequate will depend on the nature of the data. For example, pupil data should only be electronically transferred via the official channels of S2S, DEWI or *CRONFA*; paper information should be sent by courier or recorded delivery, First or Second Class post is not considered secure enough; and make sure that the sharing is covered in the privacy notice.

**6.4** When using photographs, videos or other media and where images of pupils and/or staff are to be used publically, alongside their name, specific consent from the relevant parties should be sought on each occasion.

**6.5 Information security and protecting personal data:**

The School shall do all that is reasonable to ensure that personal data is not lost or damaged, or accessed or used without proper authority, and the School shall take appropriate steps to prevent these events happening.

Access to personal information will be strictly controlled through the use of password and encryption facilities. Access to systems will be restricted to those users that need it to undertake their duties, access rights will be reviewed on a regular basis. Security measures will be implemented to ensure that personal information is not automatically made widely available.

In particular:

- paper records which include confidential information shall be kept in a cabinet or office which is kept locked when unattended;
- the School uses a range of measures to protect personal data stored on computers, including file encryption, anti-virus and security software, sufficiently robust and frequently changed user passwords, audit trails and back-up systems;
- staff must not remove personal data in electronic form from the School's premises unless it is stored in an encrypted form on a password protected computer or memory device;
- staff must **not** use or leave computers, memory devices or papers where there is a significant risk that they may be viewed or taken by unauthorised persons: they should not be viewed in public, and they must never be left in view in a car, where the risk of theft is greatly increased.
- personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

**7. DATA BREACHES**

**7.1 Definition:** A data breach is a breach of security leading to the destruction, loss, alteration, unauthorised disclosure or access to personal data.

**7.2 Reporting obligations:** Any actual data breach or alleged data breach must be reported to the DPO or Deputy DPO as soon as it is discovered, whatever time that might be, to enable its circumstances to be investigated and appropriate action taken to limit any damage and to prevent a similar occurrence.

As soon as the School becomes aware of a significant data breach as determined by the Data Protection Officer it has 72 hours in which to report the breach to the Information Commissioner's Office (ICO). Examples of breaches and their seriousness for reporting purposes are:

- mistakenly sending an email containing personal data to an incorrect recipient;
- loss or theft of IT equipment containing personal data;
- loss or theft of hard copies of data files;
- failing to deal with a Subject Access Request.

When considering if a breach is serious the Data Protection Officer must consider if the breach is likely to result in a high risk to the rights and freedoms of individuals: e.g. resulting in discrimination, damage to reputation, financial loss – through identity theft or otherwise – loss of confidentiality or any other significant economic or social disadvantage. If this is deemed to be the case not only does this breach have to be reported to the ICO within 72 hours of its discovery, the individuals concerned must be notified of the breach in a timely manner as directed by the Data Protection Officer.

## **8. DATA SUBJECT'S RIGHTS, INCLUDING SUBJECT ACCESS REQUESTS (SAR)**

**8.1 The right of access.** Individuals are entitled to know whether the School is holding any personal data which relates to them, what that information is, the source of the information, how the School uses it and who it has been disclosed to. This is known as a Subject Access Request.

Any member of staff wishing to exercise the right to request information covered by this policy, can do so by submitting a request in writing to the Data Protection Officer.

Any member of staff who receives a request for information covered by this policy from a pupil, parent/carer or any other individual must inform the Data Protection Officer as soon as possible, normally on the same day. This is important as there is a statutory procedure and timetable which the School must follow. The School has one month to respond to a Subject Access Request from whenever the request is received. Not all rights are absolute and any request will need to be considered upon receipt.

**8.2** Individuals have a right to ask the School not to use their personal data for direct marketing purposes or in ways which are likely to cause substantial damage or distress.

**8.3 The right to rectification.** Individuals have a right to ask for incorrect personal data to be corrected or annotated.

**8.4 The right to object.** Individuals have the right to object to any of their personal data being processed and to have this data erased (**The right to erase**).

**8.5** Individuals have the **right to restrict (halt)** the processing of their personal data, usually whilst incorrect data is being corrected.

**8.6 The right to data portability.** Individuals have the right to request their personal data is transferred to another data controller in a commonly used format.

**8.7 Rights in relation to automated decision making and profiling.** Individuals have a right to ask the School not to make automatic decisions (using personal data) if such automatic decisions would affect them to a significant degree.

**8.8** Individuals have the **right to complain** about the processing of their personal data to the Information Commissioner's Office at Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, Telephone 0303 123 1113 or at: <https://ico.org.uk/concerns/>.

## **9. FURTHER INFORMATION**

**9.1** The School has registered its use of personal data with the Information Commissioner's Office and further details of the Personal Data it holds, and how it is used, can be found in the School's register entry on the Information Commissioner's website at [www.ico.gov.uk](http://www.ico.gov.uk) under registration number Z7571814. This website also contains further information about data protection.

## **10. BREACH OF THIS POLICY / COMPLIANCE STATUS**

**10.1** Compliance with this policy is mandatory for all staff. A member of staff who deliberately or recklessly discloses personal data held by the School without proper authority is potentially guilty of a criminal offence and/ or gross misconduct. In such cases the School's Disciplinary procedures would be applied.

## **11. STATUS**

**11.1** This policy is intended only as a statement of School policy. It does not form part of the contract of employment and may be amended from time to time.

## **12. FURTHER INFORMATION**

**12.1** Further information and guidance regarding this policy or its application can be obtained from the Data Protection Officer or Deputy Data Protection Officer.

## **RELATED POLICIES/DOCUMENTS**

Disciplinary Procedure, IT Acceptable Use Policy, Privacy Notices.



## SECTION 2: FREEDOM OF INFORMATION

### 1. **INTRODUCTION**: what a publication scheme is and why it has been developed

One of the aims of the Freedom of Information Act 2000 (which is referred to as FoIA in the rest of this document) is that public authorities, including all maintained schools, should be clear and proactive about the information they will make public.

To do this we must produce a publication scheme, setting out:

- *The classes of information which we publish or intend to publish;*
- *The manner in which the information will be published; and*
- *Whether the information is available free of charge or on payment.*

The scheme covers information already published and information which is to be published in the future. All information in our publication scheme is available in paper form. Some information which we hold may not be made public, for example personal information.

This publication scheme conforms to the model scheme for schools approved by the Information Commissioner.

### 2. **CATEGORIES OF INFORMATION PUBLISHED**

The publication scheme guides you to information which we currently publish (or have recently published) or which we will publish in the future - this is split into categories of information known as 'classes'. These are contained in section 5 of this scheme. The classes of information that we undertake to make available are organised into four broad topic areas:

- *School Prospectus* - **information published in the school prospectus;**
- *Governors' Documents* - **information published in the Governors' Annual Report and in other governing body documents;**
- *Pupils & Curriculum* - **information about policies that relate to pupils and the school curriculum;**
- *School Policies* - **information about policies that relate to the school in general.**

### 3. **HOW TO REQUEST INFORMATION**

You can request a copy of the information you want from the School. If the information you're looking for isn't available via the scheme and isn't on our website, you can still ask if we have it. You can contact the school by telephone, email or letter.

Email: **enquiries@cowbridgecs.co.uk**  
Tel: **01446 772311**  
Contact Address: **Cowbridge School**  
**Aberthin Road**  
**Cowbridge**  
**CF71 7EN**

To help us process your request quickly, please clearly mark any correspondence "**PUBLICATIONS SCHEME REQUEST**".

#### 4. **PAYING FOR INFORMATION**

Single copies of information covered by this publication scheme are provided free unless stated otherwise. If your request means that we have to do a lot of photocopying or printing, or pay a large postage charge, or is for a priced item such as some printed publications or videos, we will let you know the cost before fulfilling your request. Where there is a charge for a particular item this is indicated in the boxes in Section 5 by a £ sign following the description of the item.

Information published on our website is free, although you may incur costs from your Internet service provider. If you don't have Internet access, you can access our website using a local library or an Internet café.

#### 5. **CLASSES OF INFORMATION CURRENTLY PUBLISHED**

**School Prospectus** - this section sets out information published in the school prospectus.

Class	Description
<b>School Prospectus</b>	<p>The statutory contents of the school prospectus are as follows (other items may be included at the school's discretion):</p> <ul style="list-style-type: none"> <li>• the name, address and telephone number of the school, and the type of school.</li> <li>• the names of the Headteacher and Chair of Governors.</li> <li>• information about admissions.</li> <li>• a statement of the school's ethos and values.</li> <li>• details of any affiliations with a particular religion or religious denomination, the religious education provided, parents' right to withdraw their child from religious education and collective worship and the alternative provision for those pupils.</li> <li>• information about the school's policy on providing for pupils with special educational needs.</li> <li>• number of pupils on roll and rates of pupils' authorised and unauthorised absences.</li> <li>• National Curriculum assessment results for appropriate Key Stages, with national summary figures.</li> <li>• Use of the Welsh Language.</li> <li>• GCSE/GNVQ results in the school, locally and nationally [<i>Secondary only</i>].</li> <li>• a summary of GCE A/AS level results in the school and nationally [<i>Secondary only</i>].</li> <li>• the number of pupils studying for and percentage achieving other vocational qualifications [<i>Secondary only</i>].</li> <li>• the destinations of school leavers [<i>Secondary only</i>].</li> </ul>

**Governors' Annual Report and other information relating to the governing body**

- this section sets out information published in the Governors Annual Report and in other Governing Body documents.

Class	Description
<b>Governors' Annual Report</b>	<p>The statutory contents of the governors' annual report to parents are as follows: (other items may be included at the school's discretion):</p> <ul style="list-style-type: none"> <li>• details of the governing body membership, including name and address of chair and clerk.</li> <li>• a statement on progress in implementing the action plan drawn up following an inspection.</li> <li>• a financial statement, including gifts made to the school and amounts paid to governors for expenses.</li> <li>• information about school security.</li> <li>• information about the implementation of the governing body's policy on pupils with special educational needs (SEN) and any changes to the policy during the last year.</li> <li>• a description of the arrangements for the admission of pupils with disabilities; details of steps to prevent disabled pupils being treated less favourably than other pupils; and details of existing facilities to assist access to the school by pupils with disabilities.</li> <li>• the accessibility plan covering future policies for increasing access by those with disabilities to the school (<i>from April 2004</i>).</li> <li>• how teachers' professional development impacts on teaching and learning.</li> <li>• number of pupils on roll and rates of pupils' authorised and unauthorised absence.</li> <li>• National Curriculum assessment results for appropriate Key Stages, with national summary figures.</li> <li>• the school's targets for Key Stage 3 assessments the school's targets for public examinations at Key Stage 4.</li> <li>• GCSE/GNVQ results in the school, locally and nationally.</li> <li>• GCE A/AS and vocational qualification results in the school and nationally.</li> <li>• the number of pupils studying for and percentage achieving other vocational qualifications.</li> <li>• the destinations of school leavers.</li> </ul>
<b>Instrument of Government</b>	<ul style="list-style-type: none"> <li>• The name of the school.</li> <li>• The category of the school.</li> <li>• The name of the governing body.</li> <li>• The manner in which the governing body is constituted.</li> <li>• The name of any person entitled to appoint any category of governor.</li> <li>• Details of any trust.</li> <li>• If the school has a religious character, a description of the ethos of the school.</li> <li>• The date the instrument takes effect.</li> </ul>
<b>Minutes [1] of meeting of Governing Body and its committees</b>	Minutes from governors board and committee meetings

**Pupils & Curriculum Policies** - policies that relate to pupils and the school curriculum are available on the school's website.

**School Policies** - This section gives access to information about policies that relate to the school in general. Policies are available on the school's website

Class	Description
<b>Reports of Estyn School Inspections under Sections 10 &amp; 23 of the School Inspections Act 1996</b>	Report of an inspection of the school and the summary of the report.
<b>Post Inspection action plan</b>	A plan setting out the actions required following an Estyn inspection.
<b>Charging and remissions policies</b>	A statement of the school's policy with respect to charges and remissions for any optional extra or board and lodging of which charges are permitted, for example music tuition, trips.
<b>School session times</b>	Details of school session and dates of school terms and holidays.
<b>Accessibility Plans</b>	Written plan of improvements to access for pupils with disabilities.
<b>Health and Safety Policy</b>	Written statement of general policy with respect to health and safety at work of employees (and others) and the organisation and arrangements for carrying out the policy.
<b>Child Protection Policy</b>	Statement of general principles on Child Protection arrangements.
<b>Complaints procedure</b>	Statement of procedures for dealing with complaints.

## 6. Feedback and Complaints

We welcome any comments or suggestions you may have about the scheme. If you want to make any comments about this publication scheme or if you require further assistance or need to make a complaint, then initially this should be addressed to Cowbridge School.

If you are not satisfied with the assistance that you get or if we have not been able to resolve your complaint and you feel that a formal complaint needs to be made, then this should be addressed to the Information Commissioner's Office. This is the organisation that ensures compliance with the Freedom of Information Act 2000 and that deals with formal complaints. They can be contacted at:

*Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.*

Enquiry/Information Line: 01625 545 745 E-mail: [publications@ic-foi.demon.co.uk](mailto:publications@ic-foi.demon.co.uk)

[1] Some information might be confidential or otherwise exempt from the publication by law - we cannot therefore publish this