



# **Data Protection Policy**

**2021 - 2023**

**Future Academies**

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### 1. INTRODUCTION

- 1.1 The UK General Data Protection Regulation (UK GDPR) ensures a balance between an individual’s rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business. It aims to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data.
- 1.2 Future Academies collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the Trust and our Academies in order provide education and associated functions. We may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding. This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation (GDPR) and other related legislation.
- 1.3 The GDPR applies to all computerised data and manual files if they come within its definition of a filing system. A filing system is one where the data is structured in a way that it is searchable on the basis of specific criteria (e.g. you would be able to use something, for instance the individual’s name, to find their information). If this is the case, it does not matter whether the information is located in a different physical location.
- 1.4 This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed every 2 years.

## 2. PERSONAL DATA

- 2.1 Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.
- 2.2 Personal data can be factual (for examples a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.
- 2.3 Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.
- 2.4 The Trust and its Academies do not intend to seek or hold Special Category Data (previously known as sensitive personal data) about staff or students except where we have been notified of the information; it comes to our attention via legitimate means (e.g. a grievance); or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff or students are under no obligation to disclose to the Trust or its Academies their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life (exceptions may include details of marital status and / or parenthood for other purposes, e.g. pension entitlements).

## 3. THE DATA PROTECTION PRINCIPLES

- 3.1 Future Academies Trust will ensure the six data protection **principles** as laid down in the GDPR are followed at all times:
  - a. Personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met.
  - b. Personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes.
  - c. Personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed.
  - d. Personal data shall be accurate and, where necessary, kept up to date.

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<sup>1</sup> For example, if asked for the number of female employees, and you only have one female employee, this would be personal data if it was possible to obtain a list of employees from the website.

- e. Personal data processed for any purpose(s) shall not be kept in a form, which permits identification of individuals for longer than is necessary for that purpose/those purposes.

- f. Personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.
- 3.2 In addition to this, the Trust is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law (as explained in more detail in sections 7 and 8 below).
- 3.3 The Trust is committed to complying with the GDPR principles at all times. This means that the we will:
- a. Inform individuals about how and why we process their personal data through the privacy notices, which we issue.
  - b. Be responsible for checking the quality and accuracy of the information.
  - c. Regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held in accordance with the Protection of Biometric Information Policy.
  - d. Ensure that when information is authorised for disposal it is done appropriately and in accordance with our Protection of Biometric Information Policy.
  - e. Ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security guidance requirements at all times.
  - f. Share personal information with others only when it is necessary and legally appropriate to do so.
  - g. Set out clear procedures for responding to requests for access to personal information known as subject access requests, detailed in section 9.
  - h. Report any breaches of the GDPR in accordance with the procedure in section 9 below.

#### 4. CONDITIONS FOR PROCESSING DATA

- 4.1 The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given.
- 4.2 The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regards to entering into a contract with the individual, at their request.
- 4.3 The processing is necessary for the performance of a legal obligation to which we are subject.
- 4.4 The processing is necessary to protect the vital interests of the individual or another.

- 4.5 The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

## 5. USE OF PERSONAL DATA BY THE TRUST

- 5.1 The Trust processes personal data on pupils, staff and other individuals such as visitors. In each case, the personal data must be processed in accordance with the data protection principles.

### **Pupils**

- 5.2 The personal data held regarding pupils includes contact details, assessment/examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
- 5.3 The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the academy as a whole is doing, together with any other uses normally associated with this provision in a school environment.
- 5.4 The Trust and its Academies may make use of limited personal data (such as contact details) relating to pupils, and their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the academy, but only where consent has been provided to this.
- 5.5 In particular, the Trust and its Academies may:
  - a. Transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the academy but only where consent has been obtained first.
  - b. Make personal data, including sensitive personal data, available to staff for planning curricular or extra-curricular activities.
  - c. Use photographs (including video) of pupils in accordance with the photograph policy.
- 5.6 Any wish to limit or object to the use of personal data should be notified to the Data Protection Officer for the Trust in writing. Notice of the request will be acknowledged by the Trust in writing. If the Data Protection Officer is of the view that the objection cannot be maintained the individual will be given written reasons why the request cannot be complied with.

### **Staff**

- 5.7 The personal data held about staff will include contact details, employment history, and information relating to career progression, information relating to DBS checks, photographs and occupational pensions.
- 5.8 The data is used to comply with legal obligations placed on the Trust in relation to employment, and the education of children in a school environment. The Trust may pass

information to other regulatory authorities where appropriate, and may use names and photographs of staff in publicity and promotional material. Personal data will also be used when giving references.

- 5.9 Staff should note that information about disciplinary action may be kept for longer than the duration of the sanction. Although treated as “spent” once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.
- 5.10 Information relating to DBS checks.
- 5.11 DBS checks are carried out on the basis of the Trust’s legal obligations in relation to the safer recruitment of staff. The DBS information (which will include personal data relating to criminal convictions and offences) is further processed in the substantial public interest, with the objective of safeguarding children. Retention of the information is covered by the Protection of Biometric Information Policy.
- 5.12 Access to the DBS information is restricted to those staff who have a genuine need to have access to it for their job roles. In addition to the provisions of the GDPR and the Data Protection Act 2018, disclosure of this information is restricted by section 124 of the Police Act 1997 and disclosure to third parties will only be made if it is determined to be lawful.
- 5.13 Any wish to limit or object to the use of personal data should be notified to the Data Protection Officer who will ensure that this is recorded, and adhered to if appropriate. If the Data Protection Officer is of the view that it is not appropriate to limit the use of personal data in the way specified, the individual will be given written reasons why the Academy cannot comply with their request.

#### **Other Individuals**

- 5.14 The Trust and its Academies may hold personal information in relation to other individuals who have contact with the school, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

## **6. SECURITY OF PERSONAL DATA**

- 6.1 The Trust will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this Policy and their duties under the GDPR. The Trust will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 6.2 For further details as regards security of IT systems, please refer to the Protection of Biometric Information Policy.

## 7. DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES

7.1 The following list includes the most usual reasons that the Trust will authorise disclosure of personal data to a third party:

- a. To give a confidential reference relating to a current or former employee, volunteer or pupil.
- b. For the prevention or detection of crime.
- c. For the assessment of any tax or duty.
- d. Where it is necessary to exercise a right or obligation conferred or imposed by law upon the Trust (other than an obligation imposed by contract).
- e. For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings).
- f. For the purpose of obtaining legal advice.
- g. For research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).
- h. To publish the results of public examinations or other achievements of pupils of the Academy.
- i. To disclose details of a pupil's medical condition where it is in the pupil's interests to do so and where there is a legal basis for doing so (e.g. for medical advice, insurance purposes or to organisers of school trips). The legal basis will vary in each case but will usually be based on explicit consent, the vital interests of the pupil or reasons of substantial public interest (usually safeguarding the pupil or other individuals).
- j. To provide information to another educational establishment to which a pupil is transferring.
- k. To provide information to the Examination Authority as part of the examination process.
- l. To provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the Government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.
- m. To provide information to the Local Authority to enable them to comply with their statutory duties.

7.2 The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government Departments or agencies strictly for statistical or research purposes.

- 7.3 The Trust may receive requests from third parties (i.e. those other than the data subject, the Academy, and employees of the Academy) to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under data protection legislation which allow disclosure applies; or where necessary for the legitimate interests of the individual concerned or the Trust.
- 7.4 All requests for the disclosure of personal data must be sent to Data Protection Officer who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure.

## 8. CONFIDENTIALITY OF PUPIL CONCERNS

- 8.1 Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the Academy will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the Academy believes disclosure will be in the best interests of the pupil or other pupils. Disclosure for a safeguarding purpose will be lawful because it will be in the substantial public interest.

## 9. SUBJECT ACCESS REQUESTS

- 9.1 Anybody who makes a request to see any personal information held about them by the Academy is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a “filing system”.
- 9.2 The individual’s full subject access right is to know:
- Whether personal data about him or her are being processed.
  - The purposes of the processing.
  - The categories of personal data concerned.
  - The recipients or categories of recipient to whom their personal data have been or will be disclosed.
  - The envisaged period for which the data will be stored or where that is not possible, the criteria used to determine how long the data are stored.
  - The existence of a right to request rectification or erasure of personal data or restriction of processing or to object to the processing.
  - The right to lodge a complaint with the Information Commissioner’s Office.
  - Where the personal data are not collected from the individual, any available information as to their source.
  - Details of the safeguards in place for any transfers of their data to locations outside the European Economic Area.
- 9.3 All requests should be raised with the Future Academies Trust Central Team and then sent



to the Data Protection Officer within 3 working days of receipt to keep a record. Requests must be dealt with in full without delay and at the latest within one calendar month of receipt.

- 9.4 Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need or disability, which may make understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. However, the Data Protection Officer must be satisfied that:
- a. The child or young person lacks sufficient understanding to make the request in their own right; and,
  - b. The request made on behalf of the child or young person is in their interests.
- 9.5 Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances the Trust must have written evidence that the individual has authorised the person to make the application and the Data Protection Officer must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.
- 9.6 Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).
- 9.7 A subject access request must be made in writing. The Trust may ask for any further information reasonably required to locate the information.
- 9.8 An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.
- 9.9 All files must be reviewed by the Data Protection Officer before any disclosure takes place. Access will not be granted before this review has taken place.
- 9.10 Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

## 10. EXEMPTIONS TO ACCESS BY DATA SUBJECTS

- 10.1 Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.
- 10.2 There are other exemptions from the right of subject access. If we intend to apply any of them to a request then we will usually explain which exemption is being applied and why.

## 11. OTHER RIGHTS OF INDIVIDUALS

11.1 The Academy has an obligation to comply with the rights of individuals under the law, and takes these rights seriously. The following section sets out how the Academy will comply with the rights to:

- a. object to processing
- b. rectification
- c. erasure
- d. restrict processing
- e. data portability

### **Right to Object to Processing**

11.2 An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest (s. 4.5 and s. 4.6 above) where they do not believe that those grounds are adequately established.

11.3 Where such an objection is made, it must be sent to the Data Protection Officer within 2 working days of receipt. The Data Protection Officer will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defense of legal proceedings.

11.4 The Data Protection Officer shall be responsible for notifying the individual of the outcome of their assessment within 30 working days of receipt of the objection.

### **Right to Rectification**

11.5 An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Data Protection Officer within 2 working days of receipt. Where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

11.6 Where there are concerns as to the accuracy of the data, the request and any reasons for refusal of the request shall be noted alongside the data, and communicated to the individual. The individual shall be given the option of a review and has the right to appeal directly to the Information Commissioner's Office.

11.7 An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

### **Right to Erasure**

11.8 Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:

- a. Where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed.

- b. Where consent is withdrawn and there is no other legal basis for the processing.
  - c. Where an objection has been raised under the right to object, and found to be legitimate.
  - d. Where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met).
  - e. Where there is a legal obligation on the Trust to delete.
- 11.9 The Data Protection Officer will make a decision regarding any application for erasure of personal data, and will balance the request against the exemptions provided for in the law.
- 11.10 Where a decision is made to erase the data, and this data has been passed to other data controllers, and / or has been made public, reasonable attempts to inform those controllers of the request shall be made.

### **Right to Restrict Processing**

- 11.11 In the following circumstances, processing of an individual's personal data may be restricted:
- a. Where the accuracy of data has been contested, during the period when the Academy is attempting to verify the accuracy of the data.
  - b. Where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure.
  - c. Where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim.
  - d. Where there has been an objection made under para 11.2 above, pending the outcome of any decision.

### **Right to Portability**

- 11.12 If an individual wants to send their personal data to another organisation they have a right to request that the Trust provides their information in a structured, commonly used, and machine readable format. As this right is limited to situations where the Trust is processing the information on the basis of consent or performance of a contract, the situations in which this right can be exercised will be quite limited. If a request for this is made, it should be forwarded to the Data Protection Officer within 2 working days of original receipt, and the Data Protection Officer will review and respond as necessary.

## **12. BREACH OF ANY REQUIREMENT OF THE GDPR**

- 12.1 Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is/they are discovered, to the Data Protection Officer.

- 12.2 Once notified, the Data Protection Officer shall assess:
- a. The extent of the breach.
  - b. The risks to the data subjects as a consequence of the breach.
  - c. Any security measures in place that will protect the information.
  - d. Any measures that can be taken immediately to mitigate the risk to the individuals.
- 12.3 Unless the Data Protection Officer concludes that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the Academy, unless a delay can be justified.
- 12.4 The Information Commissioner shall be told:
- a. Details of the breach, including the volume of data at risk, and the number and categories of data subjects.
  - b. The contact point for any enquiries (which shall usually be the Data Protection Officer).
  - c. The likely consequences of the breach.
  - d. Measures proposed or already taken to address the breach.
- 12.5 If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals then the Data Protection Officer shall notify data subjects of the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.
- 12.6 Data subjects shall be told:
- a. The nature of the breach.
  - b. Who to contact with any questions.
  - c. Measures taken to mitigate any risks.
- 12.7 The Data Protection Officer shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Board of Directors and a decision made about implementation of those recommendations.

## 13. CONTACT

- 13.1 If anyone has any concerns or questions in relation to this policy they should contact the Data Protection Officer:

By email: [dataservices@judicium.com](mailto:dataservices@judicium.com)

By phone: 0845 459 2130

By post: Future Academies, Pimlico Academy, Lupus Street, London, SW1V 3AT.

APPENDIX 1: SUBJECT ACCESS REQUEST FORM FOR STAFF

The GDPR provides individuals with the right to request a copy of their personal data held about them. Please complete this form if you wish to access your data. If the information you are requesting about yourself contains details of another person or third party we may have to gain their consent before disclosing the information.

Surname:	Forename:
Email:	
I am the Data Subject (the person the information is about) <input type="checkbox"/> I am acting on behalf of the Data Subject: <input type="checkbox"/>  If you are seeking information on behalf of someone who is unable to act for themselves or if you have been appointed to request access to their records, you must explain your relationship, what information you require and why it is required. Please note that the information relating to someone else will not be disclosed without the data subject's written consent or an appropriate Court Order/Power of Attorney. Please attach the appropriate evidence to this form.  Name of third party requesting the data (if applicable): _____	

I wish to have access to the data the Trust has about me in the following categories:	Please tick as appropriate
Employment references	<input type="checkbox"/>
Disciplinary grievance and capability records	<input type="checkbox"/>
Health and medical matters	<input type="checkbox"/>
Political, religious or trade union information	<input type="checkbox"/>
Any statements of opinion about my abilities or performance	<input type="checkbox"/>
Other information: _____	
_____	
_____	

Once we receive your request we have 30 calendar days to process it. Should the request be complex or numerous, we may extend the date by a further two months. If this is the case, you will be notified within one month of the receipt of the request.

\_\_\_\_\_

Name

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

APPENDIX 2: SUBJECT ACCESS REQUEST FORM FOR STUDENTS

The GDPR provides individuals with the right to request a copy of their personal data held about them. Please complete this form if you wish to access your data. If the information you are requesting about yourself contains details of another person or third party we may have to gain their consent before disclosing the information. Parents/guardians are permitted to request for their child’s data only until the age of 12.

Surname:	Forename:
I am the Data Subject (the person the information is about) <input type="checkbox"/> I am acting on behalf of the Data Subject: <input type="checkbox"/>  If you are seeking information on behalf of someone who is unable to act for themselves or if you have been appointed to request access to their records, you must explain your relationship, what information you require and why it is required. Please note that the information relating to someone else will not be disclosed without the data subject’s written consent or an appropriate Court Order/Power of Attorney. Please attach the appropriate evidence to this form.  Name of third party requesting the data (if applicable): _____	

I wish to have access to the data the Trust has about me in the following categories:	Please tick as appropriate
Academic marks or course work details	<input type="checkbox"/>
Academic references	<input type="checkbox"/>
Health and medical matters	<input type="checkbox"/>
Any statements of opinion about my/my child’s abilities or performance	<input type="checkbox"/>
Personal details including name, address, date of birth etc.	<input type="checkbox"/>
Other information (please list below): _____	
_____	
_____	

Once we receive your request we have 30 calendar days to process it. Should the request be complex or numerous, we may extend the date by a further two months. If this is the case, you will be notified within one month of the receipt of the request.

\_\_\_\_\_

Name

\_\_\_\_\_

Date

\_\_\_\_\_

Signature