



GREENSHAW
LEARNING TRUST

GLT Data Protection Policy

**ALWAYS
LEARNING**

Greenshaw Learning Trust
Data Protection Policy

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1. PART A

1.1. Application

This GLT Data Protection Policy applies to the Greenshaw Learning Trust as a whole and to all the schools in the Trust and the Trust Shared Service, in accordance with and pursuant to the Communications Policy of the Greenshaw Learning Trust.

The Greenshaw Learning Trust, including all the schools, their Trustees, governors and staff, must abide by this GLT Data Protection Policy.

This Policy is subject to the Trust's Scheme of Delegation for Governance Functions. If there is any ambiguity or conflict then the Scheme of Delegation and any specific alteration or restriction to the Scheme approved by the Board of Trustees takes precedence.

In implementing this policy and associated policies and procedures the governing body, Headteacher and school staff, and Trust Shared Service staff, must take account of any advice or instruction given to them by the GLT Data Protection Officer, the GLT CEO or Board of Trustees.

If there is any question or doubt about the interpretation or implementation of this Policy, the GLT CEO should be consulted.

1.2. Approval and review

Maintenance of this Policy is the responsibility of the GLT CEO.

This Policy was approved by the Board of Trustees on: 18 February 2022.

This Policy is due for review by: May 2024.

1.3. Terminology

The Trust means the Greenshaw Learning Trust (GLT).

- School means a school within the Greenshaw Learning Trust.
- Headteacher means the headteacher or principal of the school.
- CEO means the chief executive officer of the Greenshaw Learning Trust.
- Governors and Trustees includes governors, Trustees, non-governor members of Trust Committees and members of the Trust Panel.
- Governing body (GB) means the committee of the Board of Trustees to which Trustees have delegated appropriate powers and functions relating to the governance of the school.
- GLT Data Protection Officer means Judicium Consulting Ltd.
- School Data Protection Lead means the point of contact for data protection matters for staff, students and parents within the school
- Data Subject means an individual about whom such personal information is stored.
- Data Controller means the organisation storing and controlling information regarding data subjects which is Greenshaw Learning Trust.

In this policy references to the Greenshaw Learning Trust will be read as including the Greenshaw Learning Trust shared service and all schools in the Greenshaw Learning Trust.

References in this Policy to a school in the Trust should also be read as the Trust Shared Service for services, functions and staff of the Trust that are not contained within a school budget and/or are not the responsibility of a Headteacher and/or Governing Body. With respect to the Trust Shared Service, references in this Policy to the responsibilities of the Headteacher and Governing Body should be read as the GLT CEO and the Trust Shared Services Committee respectively.

1.4. Responsibilities

It is the responsibility of the governing body and Headteacher of each school, and the Board of Trustees and GLT CEO for the Trust Shared Service, to ensure that their school/service and its staff adhere to this GLT Data Protection Policy; in implementing this Policy the governing body, Headteacher and Trust staff must take account of any advice given to them by the GLT Data Protection Officer, GLT CEO and/or Board of Trustees.

For the purposes of data protection legislation the Greenshaw Learning Trust is the Data Controller, and can be contacted by writing to Greenshaw Learning Trust, Grennell Road, Sutton, SM1 3DY.

The GLT Data Protection Officer is: Judicium Consulting Limited.

Email: dataservices@judicium.com

Address: 72 Cannon Street, London, EC4N 6AE

Telephone: 0203 326 9174

Lead Contact: Craig Stilwell

Each Headteacher will appoint a School Data Protection Lead to be the point of contact for data protection matters for staff, students and parents of their school, and to liaise with the GLT Data Protection Officer. The name and contact details must be provided to the GLT Data Protection Officer and will be made available on the school website or by contacting the school.

1.5. Associated policies and procedures

The following Trust procedures are an integral part of this GLT Data Protection Policy:

- GLT Data Retention Procedure
- GLT Subject Access Request Procedure
- GLT Data Breach Procedure
- GLT ICT Policy, including the GLT Use of CCTV Procedure
- GLT Privacy Notices

If there is any ambiguity or conflict between this policy and any of these associated procedures, this GLT Data Protection Policy takes precedence.

The following Trust policies and procedures are directly related to and complement this GLT Data Protection Policy:

- GLT Staff and Volunteer Code of Conduct.
- GLT Trustee and Governor Code of Conduct.

2. PART B

1. Context and Principles

The Greenshaw Learning Trust recognises and accepts its responsibility as set out in the UK General Data Protection Regulation (UK GDPR) and the relevant data protection legislation including the Data Protection Act (2018). The Trust, as a Data Controller, will take all reasonable steps to meet this responsibility and to promote good practice in the handling and use of personal information, in accordance with this policy.

2. Introduction

The Greenshaw Learning Trust collects and uses certain types of personal information about staff, pupils, parents and other individuals in order to provide education and associated functions. The Greenshaw Learning Trust 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 UK General Data Protection Regulation (UK GDPR) and other related legislation.

- 2.1. The UK GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria (e.g. making it possible to use something like an individual's name to find their information), including where some of the information is located in a different physical location.
- 2.2. This policy will be updated as necessary to reflect best practice and amendments made to data protection legislation and shall be reviewed every three years.

3. Personal Data

- 3.1. 'Personal data' is information that identifies an individual and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. For example, if asked for the number of female employees, and there is only one female employee, this would be personal data if it was possible to obtain a list of employees' names from the website.
- 3.2. A sub-set of personal data is known as 'special category personal data'. This special category personal data is information that relates to:
 - 3.2.1. race or ethnic origin;
 - 3.2.2. political opinions;
 - 3.2.3. religious or philosophical beliefs;
 - 3.2.4. trade union membership;
 - 3.2.5. physical or mental health;
 - 3.2.6. an individual's sex life or sexual orientation;
 - 3.2.7. genetic or biometric data for the purpose of uniquely identifying a natural person.
 - 3.2.8. data relating to criminal offences and convictions

- 3.3. Photography, video and closed circuit television recording (CCTV) images are 'personal data' and handled in line with this policy. CCTV recordings will be handled in accordance with the GLT Use of CCTV procedure.
- 3.4. Special category personal information is given special protection, and additional safeguards apply if this information is to be collected and used.
- 3.5. Biometric data is considered special category data and can only be processed using explicit consent – see section 4.1.1. Biometric data can only be collected where specific explicit consent is given.
- 3.6. The Greenshaw Learning Trust and its schools will not make use of facial recognition data.
- 3.7. Information relating to criminal convictions shall only be held and processed where the Trust has legal authority to do so.
- 3.8. The Greenshaw Learning Trust does not intend to seek or hold sensitive personal data about staff or students except where it has been notified of the information, or it is obtained 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.
- 3.9. No person is under any obligation to disclose their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member, or details of their sexual life, criminal offences or convictions (save to the extent that details of marital status and / or parenthood are needed for other purposes, e.g. pension entitlements or applications for employment).

4. The Data Protection Principles

- 4.1. The Greenshaw Learning Trust will at all times follow the six data protection principles as laid down in the UK GDPR:
 - 4.1.1. 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 (see section 5);
 - 4.1.2. Personal data shall be collected for specific, explicit, and legitimate purposes only and shall not be further processed in a manner incompatible with those purposes;
 - 4.1.3. personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed;
 - 4.1.4. personal data shall be accurate and, where necessary, kept up to date;
 - 4.1.5. personal data processed for any purpose(s) shall not be kept for longer than is necessary for that purpose / those purposes;
 - 4.1.6. 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.

4.2. In addition to this, the Greenshaw Learning Trust is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of an individual's rights under the law (as explained in more detail in sections 7 and 8 below).

4.3. This means that the Greenshaw Learning Trust will:

- 4.3.1. inform individuals as to the purpose of collecting any information from them, as and when it is asked for, in accordance with the GLT privacy notices as specified in section 6;
- 4.3.2. be responsible for checking the quality and accuracy of the information;
- 4.3.3. 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 Data Retention Procedure;
- 4.3.4. ensure that when information is authorised for disposal it is disposed of appropriately;
- 4.3.5. ensure appropriate security measures are taken to safeguard personal information, whether it is held in paper files or on our computer system, and follow the relevant security requirements at all times;
- 4.3.6. share personal information with others only when it is necessary and legally appropriate to do so;
- 4.3.7. follow the GLT Subject Access Request Procedure for responding to requests for access to personal information known as 'subject access requests';
- 4.3.8. report any breaches of the UK GDPR in accordance with the GLT Data Breach Procedure.

5. Conditions for processing in the First Data Protection Principle

5.1. The conditions which enable the Greenshaw Learning Trust to process data lawfully under the first data protection principle are:

- 5.1.1. The individual has given consent that is specific to the particular type of processing activity, and that consent was informed, unambiguous and freely given.
- 5.1.2. 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.
- 5.1.3. The processing is necessary for the performance of a legal obligation to which the Trust is subject.
- 5.1.4. The processing is necessary to protect the vital interests of the individual or another individual or body.
- 5.1.5. The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of an official authority vested in the Trust.
- 5.1.6. The processing is necessary for a legitimate interest of the Greenshaw Learning Trust

or that of a third party, except where this interest is overridden by the rights and freedoms of the individual concerned.

6. Use of Personal Data by Greenshaw Learning Trust

6.1. The Greenshaw Learning Trust holds personal data on pupils, staff and other individuals such as visitors. In each case, the personal data will be treated in accordance with the data protection principles as outlined in section 4.1 above.

When collecting any personal data, the School Data Protection Lead will provide the data subject with information including contact details for the data controller and Data Protection Officer, the purpose and basis for processing, the categories of personal data processed, and any person or organisation the data is shared with (unless the data subject has already been provided with the information).

This information will be provided to the data subject, free of charge, when information is obtained from the data subject, or, where the information is not obtained directly from the data subject, within 1 month of the data being collected, when the data is used to communicate with them for the first time, or before the data is disclosed to another recipient.

When providing this information to data subject, School Data Protection Leads will provide the appropriate GLT privacy notice:

- Privacy Notice for parents and carers.
- Privacy Notice for students.
- Privacy Notice for staff.
- Privacy Notice for governors and Trustees.

6.2. If any data subject wishes to limit or object to any use of their personal data they should notify the GLT Data Protection Officer in by email or in writing – see section 1.4 on page 3. The GLT Data Protection Officer will acknowledge the notification in writing. If, in the view of the GLT Data Protection Officer, the objection cannot be maintained, the individual will be given written reasons why the Greenshaw Learning Trust cannot comply with their request.

Staff

6.3. The personal data held about staff will include contact details, employment history, information relating to career progression, information relating to DBS checks and photographs.

6.4. The data is used to comply with legal obligations placed on the Greenshaw Learning Trust in relation to employment of staff and the education of children in a school environment. The Greenshaw Learning Trust may pass information to other regulatory authorities where appropriate, and may use names and photographs of staff in publicity and promotional material where consent to this has been provided. Personal data will also be used when giving references.

- 6.5. 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.

Trustees and Governors

- 6.6. The personal data held about governors and trustees will include contact details, information relating to DBS checks, declarations of interest and photographs.
- 6.7. The data is collected and used to comply with legal obligations placed on the Greenshaw Learning Trust by the Companies Act 2006, the Charities Act 2011, and in accordance with the Articles of Association and Funding Agreements of the Trust and the Academy Trust Handbook.

Other Individuals

- 6.8. The Greenshaw Learning Trust may hold personal information in relation to other individuals who have contact with the Trust or any of its schools, such as volunteers and visitors.

7. Security of Personal Data

- 7.1. The Greenshaw Learning Trust will take reasonable steps to ensure that members of staff, governors, Trustees and volunteers will only have access to personal data where it is necessary for them to carry out their duties. All members of staff, governors, Trustees and volunteers will be made aware of this Policy and their duties under the UK GDPR. The Greenshaw Learning Trust will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.
- 7.2. Staff, governors, Trustees and volunteers are bound by GLT policies and procedures with regard to their use of Trust and school IT systems. All Trust staff, governors and Trustees are bound by the relevant GLT Code of Conduct.

8. Disclosure of Data to Third Parties

- 8.1. The Greenshaw Learning Trust may receive requests from third parties (i.e. those other than the data subject, the Greenshaw Learning Trust, or employees of the Greenshaw Learning Trust) to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. This information will not 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 of the Greenshaw Learning Trust.
- 8.2. If any member of staff receives a request for the disclosure of personal data to a third party this should be reported to the School Data Protection Lead. The School Data Protection Lead will report to and take advice from the GLT Data Protection Officer. The Data Protection Officer will review the request and decide whether the disclosure will be made, ensuring that reasonable

steps are taken to verify the identity of that third party, and will advise the School Data Protection Lead,

9. Confidentiality of Pupil Concerns

- 9.1. 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 Greenshaw Learning Trust will maintain confidentiality unless the GLT Data Protection Officer has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the GLT Data Protection Officer believes disclosure will be in the best interests of the pupil or other pupils.
- 9.2. If any member of staff receives a request to withhold disclosure of personal data to parents or guardians this should be reported to the School Data Protection Lead. The School Data Protection Lead will report to and take advice from the GLT Data Protection Officer.

10. Transfer of Data Outside the UK

- 10.1. The Greenshaw Learning Trust may transfer personal information outside the UK and/or to international organisations on the basis that the country, territory or organisation is designated as having an adequate level of protection or that the organisation receiving the information has provided adequate safeguards by way of binding corporate rules, standard data protection clauses or compliance with an approved code of conduct. Any transfer of data outside the UK must be authorised by the GLT Data Protection Officer.

11. Transfer of Data Outside the European Economic Area (EEA)

- 11.1. The UK GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the UK GDPR is not undermined.
- 11.2. The Greenshaw Learning Trust will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the UK GDPR. All staff must comply with the Trust's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country. If any member of staff believes that data might be transferred outside the EEA they must notify the School Data Protection Lead who will take advice from the GLT Data Protection Officer.

12. Subject Access Requests

- 12.1. A subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g. a solicitor or a parent making a request in relation to information relating to their child):
 - for confirmation as to whether the personal data is processed by Greenshaw Learning Trust or any of its schools or service units and, if so
 - for access to that personal data

- and/or certain other supplementary information

12.2. A Data Subject should submit a Subject Access Request using the GLT Subject Access form available on the appropriate school website or the Trust website, or request a form by contacting the appropriate school or the Trust as indicated on their website.

13. Exemptions to access by Data Subjects

13.1. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure under a subject access request, unless the privilege is waived.

13.2. There are other exemptions from the right of subject access; if the Greenshaw Learning Trust intends to apply any of them to a request then the GLT Data Protection Officer will give an explanation to the data subject of which exemption is being applied and why.

14. Other Rights of Individuals

14.1. The Greenshaw Learning Trust 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 Greenshaw Learning Trust will comply with the rights to:

- 14.8.1. object to processing;
- 14.8.2. rectification;
- 14.8.3. erasure; and
- 14.8.4. data portability.

Right to object to processing

14.2. An individual has the right to object to the School Data Protection Lead, by email or in writing – see section 1.4 on page 3 - regarding the processing of their personal data to the school Data Protection Lead on the grounds of pursuit of a public interest or legitimate interest (the conditions set out in sections 5.1.5 and 5.1.6 above) where they do not believe that those grounds are made out.

14.3. Where the School Data Protection Lead receives such an objection Within two school days of receipt, the GLT Data Protection Officer will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individual, or whether the information is required for the establishment, exercise or defence of legal proceedings.

14.4. The School Data Protection Lead will notify the individual of the outcome of the GLT Data Protection Officer's assessment within ten school days of receipt of the objection.

Right to rectification

- 14.5. A data subject has the right to request the rectification of inaccurate data without undue delay by email or writing to the School Data Protection Lead - see section 1.4 on page 3. Any request for rectification should be sent to the GLT Data Protection Officer by the School Data Protection Lead. Where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified by the School Data Protection Lead.
- 14.6. Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data and communicated to the individual by the School Data Protection Lead. The individual shall be given the option of a review under the GLT Trust Complaints Procedure, or an appeal direct to the Information Commissioner.
- 14.7. A Data Subject also has a right to have incomplete information completed by providing the missing data, and any such information submitted to the School Data Protection Lead shall be updated without undue delay.

Right to erasure

- 14.8. An individual has a right, in certain circumstances, to have personal data about them permanently erased without undue delay. This right arises in the following circumstances:
- 14.8.5. where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;
 - 14.8.6. where consent is withdrawn and there is no other legal basis for the processing;
 - 14.8.7. where an objection has been raised under the right to object, and found to be legitimate;
 - 14.8.8. where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met);
 - 14.8.9. where there is a legal obligation on the Greenshaw Learning Trust to delete.
- 14.9. Any request for permanent deletion of data should be sent to the GLT Data Protection Officer by email or in writing – see section 1.4 on page 3. The GLT 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. 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 by the GLT Data Protection Officer.

Right to restrict processing

- 14.10. In the following circumstances, processing of an individual's personal data may be restricted:
- 14.10.1. where the accuracy of data has been contested, during the period when the Greenshaw Learning Trust is attempting to verify the accuracy of the data;

- 14.10.2. where processing has been found to be unlawful, and the data subject has asked that there be a restriction on processing rather than erasure;
- 14.10.3. where data would normally be deleted, but the data subject has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim;
- 14.10.4. where there has been an objection made under section 6.2 above, pending the outcome of any decision.

Right to portability

- 14.11. If an individual wants to send their personal data to another organisation they have a right to request that the School Data Protection Lead provides their information in a structured, commonly used, and machine readable format.
- 14.12. A request should be sent to the GLT Data Protection Officer by email or in writing – see section 1.4 on page 3. The GLT Data Protection Officer will review the request within two working days of receipt and either instruct the School Data Protection Lead to provide the information requested or explain why it will not be provided.
- 14.13. This right is limited to situations where the Greenshaw Learning Trust is processing the information on the basis of consent or performance of a contract only.

15. Breach of any requirement of the UK GDPR

Any member of staff who suspects a breach of the UK GDPR, including a breach of any of the data protection principles, should be reported to the School Data Protection as soon as it is discovered and dealt with in accordance with the GLT Data Breach Procedure.

16. Training

Greenshaw Learning Trust will ensure that all relevant personnel have undertaken adequate training to enable them to comply with data privacy laws.

17. Data Protection Impact Assessments

Whenever the Greenshaw Learning Trust is considering taking a decision or implementing a new system or process that involves collecting or storing personal data a Data Protection Impact Assessment must be completed, taking advice from the GLT Data Protection Officer.

18. Audit

Greenshaw Learning Trust carries out regular data audits in relation to personal data to test its systems and processes to ensure compliance with this policy and relevant legislation and guidance.

19. Contact

If anyone has any concerns or questions in relation to this policy and associated procedures they should contact the GLT Data Protection Officer – see section 1.4 on page 3