

The Link Academy Trust is a company limited by guarantee and an exempt charity, regulated by the Education & Skills Funding Agency (ESFA). All Members of the Board of Trustees of the exempt charity are also Directors of the company; the term 'Trustee' used in this Policy also means Director. This Policy applies to all academies within the Link Academy Trust

## Statement

The Link Academy Trust (the 'Trust') is committed to protecting the children that come to its Academies, the parents and carers of those children and the staff employed to work for the Trust. We aim to ensure that all data the Trust collects about staff, parents and pupils is collected, stored and processed in accordance with the Data Protection Act 1998 and, from 25<sup>th</sup> May 2018, the General Data Protection Regulations (GDPR).

This policy applies to all staff, governors, directors and members of the Trust.

## Legislation and Guidance

This policy meets the requirements of the Data Protection Act 1998, the expected provisions of the General

Data Protection Regulations and is based on guidance issued by the Information Commissioner's Office who are the supervisory authority for data protection in England. The Privacy Notices that have been issued to staff and parents in relation to general data held about them have been based on model notices issued by the Department for Education.

In addition this policy complies with regulation 5 of the Education (Pupil Information) (England) Regulations 2005 which gives parents the right of access to their child's educational record. At the time of publication the draft Data Protection Bill was going through the House of Commons. This bill significantly impacts public sector organisations.

## Key Terms

Terminology used within this policy is defined below:

**Personal Data** – Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified

**Sensitive Personal Data** – Data such as:

- Contact details
- Racial or ethnic origin
- Political opinions
- Religious beliefs, or beliefs of a similar nature
- Where a person is a member of a trade union
- Physical and mental health
- Sexual orientation
- Whether a person has committed, an offence
- Criminal convictions

**Processing** – Obtaining, recording or holding data

**Data subject** – The person whose personal data is held or processed

**Data controller** – A person or organization that determines the purposes for which, and the manner in which, personal data is processed

**Data processor** – A person, other than an employee of the data controller, who processes the data on behalf of the data controller

## The Data Controller

The Trust collects personal information about pupils, parents and staff and is, therefore, a data controller. Our Trust delegates the responsibility of data control to the administrative support team. The Trust is registered as a data controller with the Information Commissioner's Office and this registration is renewed annually.

## Data Protection Principles

The Data Protection Act had eight data protection principles, or rules, for good data handling. Under GDPR, there are six rules being:-

- Data shall be processed fairly, lawfully and in a transparent way
- Data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes
- Data that is collected shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- Data shall be accurate and, where necessary, kept up to date
- Data shall be kept in a form which permits identification of data subjects for no longer than is necessary for which the personal data is processed
- Data shall be processed in a manner that ensures appropriate security of the personal data

The Trust shall adhere to these rules at all times.

## Roles and Responsibilities

The Board of Trustees has overall responsibility for ensuring that the Trust complies with its obligations under the Data Protection Act 1998. Day-to-day responsibility rests with the Executive/Academy Head and Administrator at each school within the Trust. They will ensure that all staff are aware of their data protection obligations and oversee any queries relating to the storing or processing of personal data.

Members of staff are responsible for ensuring that they collect and store personal data in accordance with this policy and other related policies and procedures.

## Privacy Notices

### Pupils and Parents

We hold personal data about pupils at our Academies to support teaching and learning, provide pastoral care and to assess how the Academies are performing. We may also receive data about pupils from other organisations including, but not limited to, other schools, local authorities and the Department for Education. This data may include, but is not restricted to:

- Contact details
- Results of internal assessments and tests
- Data on pupil characteristics such as ethnicity or special educational needs
- Exclusion information
- Details of any medical conditions
- Information on free school meals eligibility

Data from other schools, local authorities and the Department for Education are transferred to the Academies using secure portals. Where other organisations share data with the Academies they are required to comply with the requirements of GDPR and data protection by ensuring that personal data is transferred using a secure system such as encrypted emails.

We will retain the data we collect only for as long as necessary to satisfy the purpose for which it has been collected and once it is no longer required will be deleted in accordance with the storage limitation principle of GDPR. We will not share information about pupils with anyone without parental consent unless the law and our policies allow us to do so. Individuals who wish to see information that we hold about them should refer to our Subject Access Requests Policy.

We are required, by law, to pass certain information about pupils to specified external bodies such as our local authority, the Department for Education and social services so that they are able to meet their statutory obligations.

### **Staff**

We process data relating to those we employ to work at, or otherwise engage to work at, our Academies. The purpose of processing this data is to assist in the running of the Academies, including to:

- Enable individuals to be paid
- Facilitate safe recruitment
- Support effective performance management of staff
- Improvement management of workforce data across the sector
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring

Staff personal data includes, but is not limited to, information such as:

- Contact details
- National Insurance Number
- Qualifications
- Salary information
- Absence data
- Personal characteristics, including ethnic groups, nationality, marital status and religion
- Medical information
- Outcome of any disciplinary procedures

We will retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected or in accordance with legislative requirements. We will not share information about staff with third parties without consent unless the law allows us to.

We are required, by law, to pass certain information about staff to specified external bodies, such as our local authority, Department for Education, outsourced HR provider and outsourced payroll provider, so that they are able to meet their statutory obligations.

Staff members who wish to obtain copies of information held about them should submit a Subject Access Request in accordance with the procedures set out in the Trust's Subject Access Requests Policy and Procedures.

### **Storage of records**

- Records are stored in accordance with the Trust's Records Retention Policy and Schedule which outlines requirements as published by the Records Management Society. The schedule will be updated at such time that further guidance is issued.
- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal information are kept under lock and key when not in use
- Papers containing confidential personal information will not be left on office and classroom desks, on staffroom tables or pinned to noticeboards where there is general access
- Where personal information needs to be taken off site (in paper or electronic form), staff must follow the Data Management Procedures

- Passwords that are at least 8 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded to change their passwords at regular intervals
- Encryption software is used to protect all portable devices and removable media, such as laptops. Staff must not use personal devices or USBs.

### **Disposal of records**

Records are disposed of in accordance with the timeline stated in the Trust's Records Retention Policy and Schedule which complies with legislation and statutory requirements and in accordance with guidance published by the Records Management Society.

Personal information that is no longer needed is disposed of securely. All personal information is shredded or placed in document disposal sacks in the school offices and electronic files are overwritten. We may also use an outside company to safely dispose of electronic records.

### **Photos and Videos**

Images of staff and pupils may be captured at appropriate times and as part of educational activities for use in school only. Photos taken of pupils will be taken using school equipment including digital camera and iPads. Should Executive/Academy Heads use their personal mobiles to take photos of educational activities, once the photos have been dealt with they will be deleted within 24 hours.

Unless prior consent from parents/pupils/staff has been given, the Academies shall not utilise such images for publication or communication to external sources.

Where pupils participate in an Academy production parents may use their own devices to take photographs. We expect parents to respect the choice of others and act in accordance with this policy by not publishing photographs that contain other individuals onto social media sites. If a parent wishes to use a personal photograph of their child that parent is responsible for ensuring that other individuals are cropped out of the picture.

### **Training**

Our staff, governors, directors and members 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 or the Trust's processes make it necessary.

### **The General Data Protection Regulation**

We acknowledge that the law is changing on the rights of data subjects and that the General Data Protection Regulation has come into force from May 2018. We will review working practices when this new legislation takes effect and provide training to members of staff, governors, directors and members where appropriate.

### **Links with other policies**

Other policies that relate to data protection include:-

[Data Management and ICT Security Policy](#)

[Individual Rights Policy](#)

[Records Retention and Disposal Policy](#)

[Subject Access Requests Policy and Procedure](#)

These are available from Trust and individual Academy websites.

Reviewed by the Audit Committee: 20.01.21

Approved by the Board of Trustees: 08.02.21