



## The Fenland Federation

Marshchapel Infant School

Grainthorpe Junior School

# Data Protection GDPR Policy 2025-26

Date Approved: February 2026

Date for Review: February 2027

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## 1. Aims

Our school aims to ensure that all data collected about staff, pupils, parents and visitors is collected, stored and processed in accordance with the Data Protection Act and the GDPR. This policy applies to all data, regardless of whether it is in paper or electronic format.

## 2. Legislation and Guidance

This policy meets the requirements of the [Data Protection Act](#), and is based on [guidance published by the Information Commissioner's Office](#) and [model privacy notices published by the Department for Education](#).

It also takes into account the expected provisions of the [General Data Protection Regulation](#), which is new legislation which came into force in 2018.

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.

### 3. Definitions

Term	Definition
<b>Personal Data</b>	Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified
<b>Sensitive Personal Data</b>	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, or is alleged to have committed, an offence  Criminal convictions
<b>Processing</b>	Obtaining, recording or holding data
<b>Data Subject</b>	The person whose personal data is held or processed
<b>Data Controller</b>	A person or organisation that determines the purposes for which, and the way, personal data is processed
<b>Data Processor</b>	A person, other than an employee of the data controller, who processes the data on behalf of the data controller

### 4. The Data Controller

Our school processes personal information relating to pupils, staff and visitors, and, therefore, is a data controller. Our school delegates the responsibility of data controller to Penny Gibson. The school is registered as a data controller with the Information Commissioner's Office and renews this registration annually.

## **5. Data Protection Principles**

The Data Protection Act 1998 is based on the following data protection principles, or rules for good data handling:

- Data shall be processed fairly and lawfully
- Personal data shall be obtained only for one or more specified and lawful purposes
- Personal data shall be relevant and not excessive in relation to the purpose(s) for which it is processed
- Personal data shall be accurate and, where necessary, kept up to date
- Personal data shall not be kept for longer than is necessary for the purpose(s) for which it is processed
- Personal data shall be processed in accordance with the rights of data subjects under the Data Protection Act 1998
- Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data, and against accidental loss or destruction of, or damage to, personal data
- Personal data shall not be transferred to a country or territory outside the European Economic Area unless the country or territory ensures an adequate level of protection for the rights and freedoms of data in relation to the processing of personal data

## **6. Roles and Responsibilities**

The governing board has overall responsibility for ensuring that the school complies with its obligations under the Data Protection Act 1998.

Day-to-day responsibilities rest with the Executive Headteacher, or the Senior Teacher in the Executive Headteacher's absence. The Executive Headteacher will ensure that all staff are aware of their data protection obligations, and oversee any queries related to the storing or processing of personal data.

Staff are responsible for ensuring that they collect and store any personal data in accordance with this policy. Staff must also inform the school of any changes to their personal data, such as a change of address.

## **7. Privacy/Fair Processing Notice**

### **7.1 Pupils and Parents**

We hold personal data about pupils to support teaching and learning, to provide pastoral care and to assess how the school is 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 includes, but is not restricted to:

- Contact Details
- Results of internal assessment and externally set tests
- Data on pupil characteristics, such as ethnic group or special educational needs
- Exclusion information

- Details of any medical conditions

We will only retain the data we collect for as long as is necessary to satisfy the purpose for which it has been collected.

We will not share information about pupils with anyone without consent unless the law and our policies allow us to do so. Individuals who wish to receive a copy of the information that we hold about them/their child should refer to sections 8 and 9 of this policy.

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

## **7.2 Staff**

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

- Enable individuals to be paid
- Facilitate safe recruitment
- Support the effective performance management of staff
- Improve the management of workforce data across the sector
- Inform our recruitment and retention policies
- Allow better financial modelling and planning
- Enable ethnicity and disability monitoring
- Support the work of the School Teachers' Review Body

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

- Contact details
- National Insurance numbers
- Salary information
- Qualifications
- Absence data
- Personal characteristics, including ethnic groups
- Medical information
- Outcomes of any disciplinary procedures

We will only retain the data we collect for as long as is necessary and for the time stated in our adopted retention schedule.

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 and the Department for Education, so that they can meet their statutory obligations.

Any staff member wishing to see a copy of information about them that the school holds should contact the Executive Headteacher or the Data Protection Officer.

## **8. Subject Access Requests**

Under the Data Protection Act 1998, pupils have a right to request access to information the school holds about them. This is known as a subject access request.

Subject access requests must be submitted in writing (a form can be requested from the School Office) either by letter, or email. Requests should include:

- The pupil's name
- A correspondence address
- A contact number and email address
- Details about the information requested

The school will not reveal the following information in response to subject access requests:

- Information that might cause serious harm to the physical or mental health of the pupil or another individual
- Information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests
- Information contained in adoption and parental order records
- Certain information given to a court in proceedings concerning the child

Subject access requests for all or part of the pupil's educational record will be provided within 30 days.

## **9. Parental Requests to See the Educational Record**

Parents have the right to access their child's educational record, free of charge, within 30 days of a request being received.

Personal data about a child belongs to that child, and not the child's parents. This is the case even where a child is too young to understand the implications of subject access rights.

For a parent to make a subject access request, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

The Information Commissioner's Office, the organisation that upholds information rights, generally regards children aged 12 and above as mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents of pupils at our school may be granted without the express permission of the pupil.

If parents ask for copies of information, they will be required to pay the cost of making the copies.

## **10. Storage of Records**

Paper-based records and portable electronic devices, such as laptops and hard drives, that contain personal information are encrypted and locked when not in use.

Papers containing confidential personal information should 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 adhere to the separate working from home policy and the acceptable use policy.

Passwords 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 and USB devices.

Staff, pupils or governors are not allowed to store personal information on their personal devices.

## **11. Disposal of Records**

Personal information that is no longer needed, or has become inaccurate or out of date, is disposed of securely.

For example, we will shred paper-based records and override electronic files. We may also use an outside company who are fully compliant to dispose of electronic and paper records safely.

## **12. Training**

Our staff and governors are provided with data protection training throughout the year.

Data protection will also form part of continuing professional development, where changes to legislation or the school's processes make it necessary.