

# Individual Rights Policy



**Normand Croft** Community School

**An International Family of Learners**

**Reviewed By Governors** 26.2.2018

**Next review:** Spring 2021

## **Context**

Under the General Data Protection Regulations (GDPR) coming into force in May 2018, organisations are required to ensure that provision of individual rights are made. This policy outlines individual rights and will be updated when the legislation comes into force to ensure it accurately reflects the regulations.

Normand Croft Community School [NCCS] is committed to ensuring provision of an outstanding education to its pupils. In order to carry out its legal obligations it is required to collect personal data about the pupils and specific information about their parents.

In preparation for the implementation of the GDPR, the school has reviews and updated its existing related policies and procedures which are detailed at the end of this policy.

### **1. The right to be informed**

The 'right to be informed' encompasses the school's obligation to provide 'fair processing information'. We meet our obligation by issuing Privacy Notices to staff and parents [Appendix 1 and 2]. Information supplied by NCCS is:-

- Concise, transparent, intelligible and easily accessible. The Privacy Notice adopted by NCCS was recommended by the Department for Education (DfE) to ensure it is compliant. It is concise and outlines the purpose of data collection along with details of third parties with whom we may share that information. It is issued to staff on appointment and annually thereafter. An electronic version is stored on the school network.
- Written in clear, plain English
- Free of charge

### **2. The right of access (Subject Access Requests)**

Staff at NCCS and parents of children attending the school have the right to obtain: -

- Confirmation that their data is being processed
- Access to their personal data
- Other supplementary information

The GDPR clarifies that the reason for allowing individuals to access their personal data is so that they are aware of, and can verify the lawfulness of, the processing. Requests for access are referred to as *Subject Access Requests*.

## **2.1 Response times**

Subject Access Requests are handled by the School Business Manager, acting for the school as data controller. Such requests will be dealt with within one month of receipt of request. NCCS has the right to extend the period by a further two months where the requests are numerous or complex. However, the school will inform the individual of this extension within one month of receipt of the request.

## **2.2 Subject Access Request - Fees**

The GDPR states that organisations will not charge a fee for provision of access unless the request is manifestly unfounded or excessive, particularly because they are repetitive. In accordance with this, NCCS has the right to charge a reasonable fee which is calculated on the amount of administrative time required to fulfil the requirements of the request. The individual will be informed of the fee within one month of the request being made.

## **2.3 Refusal to respond**

The school has the right to refuse to respond to a request that is *manifestly unfounded or excessive*. In the event that the school refuses to respond it will inform the individual, without undue delay and within one month, of the reason for the refusal and their right to complain.

## **2.4 How the information is issued**

In ensuring compliance with data protection legislation the school will verify the identity of the person making the request using 'reasonable means'. This will be through identity checking.

Information may be supplied electronically or in paper format. An analysis will be made to determine which of the formats is the most appropriate and the decision will be agreed between the person making the request and the school. In the event that the information is supplied electronically it will be provided in PDF format.

Whilst the GDPR recommends good practice to be access to a self-service portal this is not possible at Normand Croft.

## **3. The right to rectification**

The GDPR gives individuals the right to have personal data rectified if it is inaccurate or incomplete.

### **3.1 Right to rectification timeframe**

NCCS will respond to individuals within one month. Where the request for rectification is complex, the school reserves the right to extend this timeline to two months.

In the event that the school is not taking action in response to a request for rectification we will explain to the individual, in writing, and outline the reasons for this along with their right to complain.

### **3.2 Right to rectification – third parties**

Where a third party has information about an individual that requires rectification, the school will inform those parties without undue delay.

## **4. The right to erasure**

The right to erasure is also known as the 'right to be forgotten'. The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

### **4.1 When the right to erasure applies**

Individuals have the right to have personal data erased and to prevent further processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate reason for continuing the processing.
- The personal data was unlawfully processed (ie in breach of GDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to information society services to a child.

Under GDPR the right to erasure is not limited to processing that causes unwarranted and substantial damage or distress. However, if the processing does cause unwarranted and substantial damage or distress the case for erasure will be strengthened.

### **4.2 Refusal to comply with right to erasure request**

In accordance with data protection legislation, NCCS has the right to refuse to comply with requests for erasure where the personal data is processed for the following reasons:-

- To exercise the right of freedom of expression and information.

- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- Archiving purposes in the public interest, scientific research, historical research or statistical purposes.
- The exercise or defence of legal claims.

#### **4.3 The right to erasure of children's data**

The school has the right to collect pupil data in order to carry out its legal obligation for the performance of a public interest task. However, the GDPR enhances protection of children's data particularly in relation to online environments. Where consent has been given and a request for erasure is later received the school will remain mindful that the initial consent may have been given without full awareness of the impact of its use.

#### **4.4 Informing third parties of erasure**

Where the school has disclosed personal data to third parties NCCS will inform those parties, without undue delay, about the personal data erasure unless it is impossible or involves disproportionate effort to do so.

NCCS does not share personal data with any online environment.

### **5. The right to restrict processing**

Individuals have the right to block or suppress processing of personal data. In these instances NCCS shall be permitted to store data but not to process it further.

#### **5.1 When the right to restrict processing applies**

The school shall be required to restrict processing in the following circumstances:-

- Where an individual contests the accuracy of the personal data the school will restrict further processing until the accuracy of the personal data has been verified.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and the school is considering whether its legitimate reasons override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If the school no longer needs the data but the individual requires it to establish, exercise or defend a legal claim.

## **5.2 Informing third parties of restriction of processing**

Where personal data becomes subject to restriction of processing and has been disclosed to a third party, we will inform the third party, without undue delay, unless it is impossible or involves disproportionate effort to do so.

When the school decides to lift a restriction on processing it must inform the individual.

## **6. The right to object**

Individuals have the right to object to:-

- Processing based on legitimate reasons or the performance of a task in the public interest/exercise of official authority
- Direct marketing
- Processing for purposes of scientific/historical research and statistics

### **6.1 Compliance with the right to object for the performance of a legal task**

Individuals must have an objection on 'grounds relating to his or her particular situation'.

NCCS will stop the processing of personal data unless: -

- We can demonstrate compelling legitimate grounds for the processing, which overrides the interests, rights and freedoms of the individual; or
- The processing is for the establishment, exercise or defense of legal claims.

Individuals are informed of their right to object within the school's privacy notices. We will also inform individuals of their right to object at the point of the first communication and will be 'explicit and presented clearly'.

## **Reference Guide**

Related documents include:-

- Data Protection Policy
- Privacy Notices
- Subject Access Requests code of practice
- Access to information held in complaints files
- Information Data Security Policy

## Appendix 1: Privacy Notice to parents

### **Privacy Notice (How we use pupil information)**

This privacy notice sets out how Normand Croft Community School collects information about pupils.

#### **Why do we collect and use pupil information?**

We collect and use pupil information under Article 6(1)(e) of the General Data Protection Regulations (GDPR) because it is necessary to collect such information in order for the school to educate your child(ren) which is carried out in the public interest.

We use the pupil data:

- To support pupil learning
- To monitor and report on pupil progress
- To provide appropriate pastoral care
- To comply with the law regarding data sharing

#### **The categories of pupil information that we collect, hold and share, include:**

- Personal information such as name, unique pupil number, date of birth and address
- Characteristics such as ethnicity, language, nationality, country of birth and free school meal eligibility, relevant medical information and special educational needs information
- Attendance information such as number of absences and reasons for absences

#### **Collecting pupil information**

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulations, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

### **Storing pupil data**

We hold pupil data for as long as the school is required to hold it. Pupil data is held for as long as the pupil attends NCCS or for as long as is required by law.

### **Who do we share pupil information with?**

We routinely share pupil information with:

- Schools that the pupil attends after leaving us
- Our local authority
- The Department for Education (DfE)
- The School Nurse
- The Speech & Language Therapist (if required)
- School Counsellor (if required)

### **Why we share pupil information**

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so. We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority and the DfE under section 3 of The Education (Information about Individual Pupils) (England) Regulations 2013.

### **Data collection requirements**

To find out more about the data collection requirements placed on us by the Department for Education please visit <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

### **The National Pupil Database (NPD)**

The NPD is owned and managed by the DfE and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the DfE. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including school, local authorities and awarding bodies.

We are required, by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of the information is then stored in the NPD. The law that allows this is the Education (Information about Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>. To find out more about the NPD go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The DfE may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- Conducting research or analysis
- Producing statistics
- Providing information, advice or guidance

The DfE has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- Who is requesting the data
- The purpose for which it is required
- The level and sensitivity of the data requested
- The arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data. For more information about the DfE's data sharing process please visit <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>. For information about which organisations the DfE has provided pupil information (and for which project) please visit <https://www.gov.uk/government/publications/national-pupil-database-requests-received>.

To contact the DfE please visit <https://www.gov.uk/contact-dfe>

### **Requesting access to your personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact the school office in person, by telephone on 020 7385 6847 or email [info@normandcroft.lbhf.sch.uk](mailto:info@normandcroft.lbhf.sch.uk)

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent processing for the purpose of direct marketing
- Object to decisions being taken by automated means
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- Claim compensation for damages caused by a breach of the Data Protection regulations.

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

### **Contact:**

If you would like to discuss anything in this privacy notice, please contact:

Marie-Laure

Tel: 020 7 385 6847

Email: [marielaure@normandcroft.lbhf.sch.uk](mailto:marielaure@normandcroft.lbhf.sch.uk)

## **Appendix 2: Privacy Notice to Staff**

### **Privacy Notice**

#### **The School Workforce: those employed to teach, or otherwise engaged to work at Normand Croft Community School**

##### **The Data Protection Act 1998: How we use your information**

Normand Croft Community School is the Data Controller.

The Data Protection Officer has not yet been appointed but will be in post by May 2018.

We process personal data relating to those we employ to work at, or otherwise engage to work at, our school. This is for employment purposes to assist in the running of the school and/or to enable individuals to be paid. The collection of this information will benefit both national and local users by:

- Improving the management of workforce data across the sector
- Enabling development of a comprehensive picture of the workforce and how it is deployed
- Informing the development of recruitment and retention policies
- Allowing better financial modelling and planning
- Enabling ethnicity and disability monitoring; and
- Supporting the work for the School Teachers' Review Body

This personal data includes identifiers such as names and National Insurance numbers and characteristics such as ethnic group, employment contracts and remuneration details, qualifications and absence information.

We will not share information about you with third parties without your consent unless the law allows us to. We are required, by law, to pass on some of this personal data to:

- Our Local Authority, the London Borough of Hammersmith & Fulham
- The Department for Education

If you require more information about how we and/or DfE store and use your personal data please visit <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you want to see a copy of information about you that we hold please contact:

Marie-Laure

Telephone: 020 7 385 6847

Email: [marielaure@normandcroft.lbhf.sch.uk](mailto:marielaure@normandcroft.lbhf.sch.uk)