

GOVERNOR TALK

GDPR Special – Briefing 3



Hello Governors

June 2018

Following on from the May 2018 briefing, I have just updated the actions in the blue sections for you in this briefing.

Post 25 May 2018

Outlined below, are the actions we have taken as a Trust to ensure that we, and our schools, are ready for the GDPR 25 May 2018. A lot of the work has been done and most of the policies are finalised with procedures and processes now underway. These are working documents and likely to change as we get to know more over the forthcoming months. So where are we exactly?

Policies

We have updated the Trust's Data Protection Policy and Freedom of Information Policy and Publication Scheme. These are Trust policies and have been uploaded as 'drafts' onto the Trust website until Board approval on 23 May 2018. These policies will be making their way to your next meetings.

UPDATE: All policies have now been approved and are final policies. They are on the Trust website and should be on your school website.

STILL TO DO: Provide Trust guidance on the use of personal mobile devices and security measures around these.

Data Protection Team across the Trust

We have our Data Protection Team in place:

- Data Protection Officer (DPO) - Jill Wilkinson is the Trust's Data Protection Officer. Jill has attended a one-day specific DPO course on 2 May 2018.
- Data Controllers (DC) – all Headteachers.
- Main Data Processors (DP) – all the Office/Business Managers in schools. All the DPs have attended at least one workshop on GDPR.

It is important to know that everyone processes data, so in a sense we are all data processors, but the main ones are the office teams as they are the ones that have access to most of the systems and procedures for your school. Jill meets with the Data Processors on a regular basis until we are sure that we have the appropriate measures in place across the Trust.

Awareness, Individuals' Rights and Communication

Staff

All staff across our Schools and Trust Centre have been issued with a Privacy Notice in the form of a letter advising them of what data we hold, for how long, for what purpose, how we process it and how we dispose it of it etc. We have also produced a staff handout which has been given to all schools to circulate. Some schools have held separate GDPR staff meetings as well.

The staff privacy notice should be displayed in staff rooms and will be included in the induction pack for new members of staff.

Staff – Training

We have negotiated a safeguarding training package, which includes a GDPR module, for all schools through SSSLearning. All staff, and Governors, now have access to an online training module, which includes an assessment and certificate for GDPR. Staff training is considered to be mandatory by the Information Commissioner's Office (ICO) who are the regulating body for GDPR (the body who issues the fine!) We have the ability to track and monitor who has completed the training and this will be an important factor should any of our schools be visited by the ICO.

GOVERNOR ACTION: The training we have purchased includes enough licences for Governors to be able to complete the online module. We would advise that Governors undertake training in GDPR.

Awareness Raising: Parents/Carers and Pupils

The Trust produced a template Privacy Notice for parents/carers which has been circulated to all schools and amended to their own school details. This has now been sent out to all their parents/carers. The parent privacy notice is on the individual schools websites. Again, this will be included in the admissions or information pack given to new parents.

Information We Hold

We have now documented all the information we hold – both within schools and within the Trust Centre. This is in the form of two documents: [Information Register](#) and the [Data Flow Map](#) – showing where the information comes from, who has access to it etc.



Processing

June 2018

We have mapped out the data we hold and the lawful basis for processing this data. This is detailed on our Data Flow Mapping audit and our Information Register. These are working documents and all schools will maintain their own versions.

We have also written to all our suppliers who process data and requested their confirmation that they are compliant with GDPR and this is in the process of being recorded. This is known as **Information Sharing Agreements**.

STILL TO DO:

- Ensure all suppliers have responded and that they are compliant with GDPR. Check if any outside EA [International]. STILL ONGOING
- Put in place 'Information Processing Agreements' with those external organisations who process our data – i.e. payroll. STILL ONGOING

To ensure that we are transferring data in a more secure way, the Trust has now asked that all Governors be issued with a school-based email account. This way we are protecting you and the use of email accounts that we cannot control, i.e. gmail, yahoo, Hotmail etc.

Consent

Images [photo and video]

No longer can we use a 'catch all' tick box for the use of images. We now have to gain explicit consent which is specific for the activity and separated into photo/video and for use in newsletters, school displays/plays, website, social media – explicit consent is needed for everyone where data is used – children, staff, volunteers, governors etc.

STILL TO DO: Individual schools will have to ensure that they have appropriate consent in place before using any images to celebrate or promote the school.

GOVERNOR ACTION: Please ask the school to issue you with a consent form so that they can process your data, particularly if your image is on the school website, on a display board in school etc.

Marketing/Schools Trips/Fundraising

Again, all consent has to be explicit. For example, we will promote our fabulous CPD opportunities to staff within the Trust and externally through our Teaching School or other networks. To be able to process the individual's data, we have to gain consent and if we want to take photos and tweet or upload these onto our website or use within marketing promotional information – we need specific consent.

STILL TO DO: Individual schools will have to ensure that they have appropriate consent in place before using any images to celebrate or promote the school.

GOVERNOR ACTION: Please ask the school to issue you with a consent form so that they can process your data, particularly if your image is on the school website, on a display board in school etc.

For a school trip, parents and staff must give their consent for their images to be used and for their data to be processed. For example, a school trip may involve an overnight stay or be at a venue where there are instructors delivering the activity and they may require access to the particular needs of staff or children, medical or dietary information in order to fulfil their contract.

Schools have put in place more secure methods for carrying the information whilst on a trip by using either a lockable file or a school-issued device which has password protection.

Remember: any individual has the right to withdraw their consent at any point.

Personal Information Requests

Personal Information Requests [known formally as Subject Access Requests]. We had a previous template which will be updated and uploaded onto the website before the 25 May 2018. This is the document that any individual will have to complete should they want access to their personal data held by the Trust.

Data Incidents/Breaches

You will be aware that we have to notify the ICO of any breaches within 72 hours. This is where there has been a breach of 'high risk' data being lost, stolen, hacked etc where an individual's data may be affected. Our draft procedures have been prepared and these will be finalised and circulated to schools before the 25 May 2018.

GOVERNOR ACTION: It is important that as Governors you are receiving information about the number of incidents/breaches at your meetings – just as you do with equality incidents. I have asked Sheila, our Trust Clerk, to ensure that GDPR is on all your agendas going forward for the next few months, until things have become clearer and you are assured that we have in place all the procedures and processes required.

PLEASE CHECK THAT GDPR IS PART OF YOUR MEETINGS/DISCUSSIONS OR MONITORING.



Impact Assessments

June 2018

We have a procedure and template in place for any new technologies that might be introduced into any school or Trust Centre whereby personal/special category data is processed.

It is worth remembering that if your school is looking to introduce a new app or a new system that is likely to process personal or special category data, they will need to complete a Data Impact Assessment and they should contact me for advice.

Additional Security Measures

Emails

For schools who use Schools IT [through Nottingham City], it is possible to encrypt emails now. For those that don't and use AIT, they are nearly there with their own email encryption service.

GOVERNOR ACTION: Please check that you have a school-issued email account. We have instructed all schools to ensure that Governors have these because it limits the risk of a breach of high risk. If you are not yet using your school issued email account, please ask that Governors documents are encrypted before they are sent to your personal email account.

STILL TO DO: Trust IT provider to install encryption system for emails – expected soon. THIS HAS PROVEN TO BE HIGHLY INEFFECTIVE AND VERY TIME CONSUMING SO WE ARE LOOKING AT ALTERNATIVES

Documents

It is possible to add a couple layers of additional security when processing or transferring data. You can 'lock' a document in Word so that it cannot be altered by the recipient without a password and you can put a password on the document. You can then send the password via another method so that it can only be opened by the recipient with the password. We expect some additional training for staff will be needed on this – but it is a fairly straightforward process.

Mobile devices [phones, laptops, iPads, watches]

We are reviewing all our processes across the schools and Trust to ensure that we have taken sensible measures to protect data when using personal mobile devices and external storage devices. Steve Cox is working on some Trust guidance for those of us that use our personal devices to access school work as this is an area of potential high risk. This will be coming out soon.

STILL TO DO:

Issue guidance on appropriate and sensible security measures for personal mobile devices/external storage. STILL OUTSTANDING – I AM WAITING FOR GUIDANCE FROM STEVE COX WHO IS RESPONSIBLE FOR OUR IT.

GOVERNOR ACTION:

Please ensure that you have appropriate security measures on your personal devices for your Governor work. If you print off documents that contain personal or special category data, please ensure that you either return these to the school at the end of the meeting or that you have an appropriate way of disposing of them, i.e. shredding. Please do not store documents on your personal device for longer than is necessary.

Once we have rolled out the 'Trust Governor' management information system, it will allow all governor documents to be uploaded onto a secure system and therefore reduces the risk.

Data Protection is not new, but GDPR adds more layers of measures and the fines are much greater.

Final Words

Finally, please remember as Governors you will have access to personal and special category data and it's about being sensible and practical. Please be mindful of where and how you keep paper copies of documents and how secure your personal device is that has the school information on. You are also required to report any incidents and breaches; so if you lose, or have stolen, any documents or devices where personal or special category data is stored please let us know immediately.

Thank You for keeping up to date with the all the latest on the new General Data Protection Regulation. We will keep in touch.

For more information contact Jill Wilkinson: jill.wilkinson@transformtrust.co.uk

