

# GOVERNOR TALK

March 2018

Hello Governors

## Focused Update: GDPR



**The General Data Protection Regulation (GDPR).** *Quick Read (produced by The Key for Governors)*

This is a piece of EU-wide legislation which will determine how people's personal data is processed and kept safe, and the legal rights individuals have in relation to their own data. 'Personal data' means information that can identify a living individual.

The [regulation](#) will apply to all schools from **25 May 2018**, and will apply after the UK leaves the EU.

The changes are substantial and ambitious. The Regulation is one of the most wide ranging pieces of legislation passed by the EU in recent years, and concepts to be introduced such as the 'right to be forgotten', data portability, data breach notification and accountability will take some getting used to.

### Main principles

The GDPR sets out the **key principles** that all personal data must be processed in line with.

- **Data must be:** processed lawfully, fairly and transparently; collected for specific, explicit and legitimate purposes; limited to what is necessary for the purposes for which it is processed; accurate and kept up to date; held securely; only retained for as long as is necessary for the reasons it was collected

There are also **stronger rights for individuals** regarding their own data.

- **The individual's rights include:** to be informed about how their data is used, to access their data, to rectify incorrect information, to have their data erased, to restrict how their data is used, to move their data from one organisation to another, and to object to their data being used at all

### New requirements

The GDPR is similar to the [Data Protection Act \(DPA\) 1998](#) (which schools already comply with), but strengthens many of the DPA's principles. The main changes are:

- Schools must appoint a data protection officer, who will advise on compliance with the GDPR and other relevant data protection law

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# GOVERNOR TALK

- Privacy notices must be in clear and plain language and include some extra information – the school’s ‘legal basis’ for processing, the individual’s rights in relation to their own data
- Schools will only have a month to comply with subject access requests, and in most cases can’t charge
- Where the school needs an individual’s consent to process data, this consent must be freely given, specific, informed and unambiguous
- There are new, special protections for children’s data
- The Information Commissioner’s Office must be notified within 72 hours of a data breach
- Organisations will have to demonstrate how they comply with the new law
- Schools will need to carry out a data protection impact assessment when considering using data in new ways, or implementing new technology to monitor pupils
- Higher fines for data breaches – up to 20 million euros

## So, how are we preparing for the GDPR? 6 steps to GDPR compliance?

Steps	Where are we now?
Organisational awareness: all areas of the business need to understand their responsibilities.	<p>Progressing:</p> <ul style="list-style-type: none"> <li>• This is the first briefing for Governors and we recommend that GDPR becomes a regular item for the Full Governing Body meetings.</li> <li>• Headteachers are being kept informed through their fortnightly updates from the CEO and myself.</li> </ul> <p>Still to do:</p> <ul style="list-style-type: none"> <li>• Inform all staff across the Trust and individual schools. Likely to be done through a staff meeting within each school and staff briefings and a Trust briefing for Central Staff during April 2018. I am in the process of preparing a briefing for schools to use for staff.</li> </ul>
Establish a GDPR working group – including all business area and functions.	<p>Ongoing</p> <ul style="list-style-type: none"> <li>• We have established a working group consisting of the Office/Business Managers and we have met twice to date. The next meeting is Monday 20 April 2018.</li> </ul>
Assess current data collection and processing activities – conduct an audit and identify gaps.	<p>Ongoing</p> <ul style="list-style-type: none"> <li>• We have produced an ‘Information Register’ which has been shared with the working group along with HR, CFO, CEO. This covers areas such as: Children, Staff, School Management, Governance, Administration, Finance, Health &amp; Safety, Property and other.</li> </ul>

# GOVERNOR TALK

	<ul style="list-style-type: none"> <li>We hope to have a final version by the end of April 2018, but this will be a working document going forward.</li> </ul>
Review current policies and assess legal basis for processing personal data.	<ul style="list-style-type: none"> <li>We have produced a Data Protection Policy and Statement for the Trust which has been shared with schools and is displayed on all websites. However, this will need reviewing during April/May 2018 to ensure its fit for purpose.</li> <li>We have produced Privacy Notices and these are now displayed on all school/Trust websites.</li> <li>We have drafted two consent letters – one for parents and one for staff. These are in the process of being checked by the working group and HR/CFO/CEO but will be sent out before the end of April 2018.</li> </ul>
Develop a comprehensive data breach programme, and test its effectiveness!	Still to do but we have an example.
Appoint and name a Data Protection Officer within the organisation.	<p>Jill Wilkinson is the Data Protection Officer for the Trust and is attending training on Tuesday 13 March with Nottingham City LA. We have also negotiated a MAT price for purchasing their GDPR Toolkit which is comprehensive and will only cost the schools £99 instead of £350. Some of the Working Group have already attended training sessions and we are sharing the learning.</p> <p>Each school now has a named Data Controller – which is the Office/Business Manager.</p>

Want to know more... go to [www.ico.org.uk](http://www.ico.org.uk)

# GOVERNOR TALK

The Key for Governors have produced a useful checklist for Governors

[‘The General Data Protection Regulation: how governors can prepare’](#).

Action	Completed?
<b>Make sure your governing board understands the changes</b>	
Circulate The Key's QuickRead overview of the GDPR.	
Read the Information Commissioner's Office's '12 steps to prepare' document. This is operational in focus and geared towards organisations in general, rather than schools, but should give you an idea of what your senior leadership team (SLT) needs to be doing.	
Add GDPR to an upcoming meeting agenda, if it's not there already.	
Check plans for the appointment of your data protection officer/data protection controller (DPO/DPC)	
<b>Ask your SLT for information</b>	
Ask the most experienced person in data protection on the school staff to deliver a short data protection briefing in a full board meeting. Ask for the briefing to cover: <ul style="list-style-type: none"> <li>• What personal data your school keeps</li> <li>• How this data is kept safe</li> <li>• What is being done to prepare for the changes</li> </ul>	
Someone on your SLT should be creating a data/information audit or map to meet GDPR requirements. Ask for a copy of this, and then use it to identify risks that the governing board should be aware of and monitor.	
<b>Add data protection to your risk register (if you have one)</b>	
Add the areas of risk to your risk register.	
<b>Plan how you will monitor GDPR compliance on an ongoing basis</b>	
Devise some questions to be asked on your school visits about data protection. For pupils, these questions should cover how they learn about keeping information safe and the use of technology.	
For staff, questions should cover what training they receive, if they know what would count as a data protection breach, what procedures they should follow to keep personal information safe, and whether they understand how data protection fits with safeguarding.	