



# Transform Trust

# Data Protection Policy

Policy Number	Author	Publication Date	Review Cycle
001	Trust Data Protection Officer	V4 September 2024	Every 2 years

## Data Protection

The Trust takes data protection very seriously, and will consider and comply with the requirements of Data Protection legislation in relation to all of its activities whenever these involve the use of personal data.

The Trust aims to ensure that all personal data is treated lawfully and correctly and is committed to protecting all personal and special category data. Transform Trust is registered with the Information Commissioner's Office (ICO) Registration ZA289310 as the Data Controller for all its establishments. As the Data Controller, it determines the purpose for which, and the manner in which, any personal data is processed.

Everyone has rights with regard to the way in which their personal data is handled. This policy sets out the basis on which the Trust, and its schools, shall process any personal data from the children, their parents/carers, staff, governors, volunteers and other parties from whom data is collected.

### Data Protection Officer and Leads

The Trust's Data Protection Officer (DPO) can be contacted at the following address:

Transform Trust, Unit 11, Castlebridge Office Village, Kirtley Drive, Nottingham, NG7 1LD

Email: [dataprotection@transformtrust.co.uk](mailto:dataprotection@transformtrust.co.uk)

The duties of the Data Protection Officer include:

- informing and advising the Trust, and its schools, about their obligations to comply with data protection laws and regulations; and
- monitoring compliance with data protection laws and regulations, including managing internal data protection activities, advising on data protection impact assessments (DPIAs), managing internal audits, and providing the required training to staff.

The DPO will operate independently and will not be dismissed or penalised for performing their task.

Sufficient resources will be provided to the DPO to enable them to meet the obligations described within data protection law.

Individual School Data Controllers (Headteachers) will support the DPO and will act as the first point of contact for guidance and support within their school.

### Legal Framework

This policy has due regard to the following legislation and guidance:

Legislation

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#).
- [Data Protection Act 2018 \(DPA 2018\)](#).

#### Guidance:

- Information Commissioner’s Office (ICO) on the [UK GDPR](#).
- It reflects the ICO’s [guidance](#) for the use of surveillance cameras and personal information and guidance from the Department for Education (DfE) on Generative Artificial Intelligence in education.
- It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

In addition, this policy complies with our funding agreement and articles of association.

### Policy Objectives

To achieve the overall aim, the Trust and its Schools will:

- provide adequate resources to support an effective approach to data protection;
- respect the confidentiality of all personal information irrespective of source;
- publicise the Trust’s commitment to Data Protection;
- compile and maintain appropriate procedures and codes of practice;
- promote general awareness and provide specific training, advice and guidance to its staff at all levels to ensure standards are met;
- monitor and review compliance with legislation and introduce changes to policies and procedures where necessary.

The Trust, its schools, and therefore any person who handles personal data on behalf of the Trust and its schools, fully endorses and adheres to the data protection principles set out in Article 5 of the GDPR and sections 83-89 DPA 2018 as below and shall be responsible for and be able to demonstrate compliance with the principles below:

### Data Protection Principles

Personal data must be:

- processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**);
- collected for specified explicit and legitimate purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes (**purpose limitation**);
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (**data minimisation**);

- accurate and where necessary kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay (**accuracy**);
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required to safeguard the rights and freedoms of the data subject (**storage limitation**); and
- processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures (**integrity and confidentiality**).

#### Personal data must also:

- be processed in line with data subjects' rights; and
- not be transferred to people or organisations situated in other countries without adequate protection.

#### Processing of Information

Data legislation is not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject. The Trust and its Schools through appropriate management controls will, when processing personal information about any individual:

- observe fully the conditions regarding the collection and use of information and meet the Trust's legal obligations under GDPR and the Data Protection Act 2018;
- collect and process appropriate information only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements; and
- ensure that the individual about whom information is held can exercise their rights under the Act unless an exemption applies for example in relation to educational data.

For personal data to be processed fairly, data subjects must be made aware:

- that the personal data is being processed;
- why the personal data is being processed;
- what the lawful basis is for that processing (see below);
- whether the personal data will be shared, and if so, with whom;
- the period for which the personal data will be held;
- the existence of the data subject's rights in relation to the processing of that personal data; and
- the right of the data subject to raise a complaint with the Information Commissioner's Office

(ICO) in relation to any processing.

We will only obtain such personal data as is necessary and relevant to the purpose for which it was gathered, and will ensure that we have a lawful basis for any processing.

For personal data to be processed lawfully, it must be processed on the basis of one of the legal grounds set out in the Data Protection legislation. We will normally process personal data under the following legal grounds:

- where the processing is necessary for the performance of a contract between us and the data subject, such as an employment contract;
- where the processing is necessary to comply with a legal obligation that we are subject to (i.e. the Education Act 2011);
- where the law otherwise allows us to process the personal data or we are carrying out a task in the public interest; and
- where none of the above apply then we will seek the consent of the data subject to the processing of their personal data.

When special category personal data is being processed then an additional legal ground must apply to that processing. We will normally only process special category personal data under the following legal grounds:

- where the processing is necessary for employment law purposes, for example in relation to sickness absence;
- where the processing is necessary for reasons of substantial public interest, for example for the purposes of equality of opportunity and treatment;
- where the processing is necessary for health or social care purposes, for example in relation to children with medical conditions or disabilities; and
- where none of the above apply then we will seek the consent of the data subject to the processing of their special category personal data.

We will inform data subjects of the above matters by way of appropriate privacy notices which shall be provided to them when we collect the data or as soon as possible therefore, unless we have already provided this information, i.e at the time when a child joins a school or a person joins the organisation.

If any data user is in doubt as to whether they can use any personal or special category data for any purpose then they must contact the Data Controller (Headteacher) in their school or the Data Protection Officer (DPO) of the Trust.

## Access to Educational Records

The Education (Pupil Information) (England) Regulations 2005 allow parents access to the official education records of their children as outlined in Schedule 1. The Schools within the Trust must make a child's educational record available for inspection or provide a copy of the record within 15 days of a valid written request required by a parent. Any charges for copying will not exceed the cost of supply.

A School may refuse to disclose information under the Pupil Information Regulations where:

- the School would have no right to disclose the information to the child under the GDPR and DPA 2018; and
- where the information might cause serious harm to the physical or mental health of the child or another individual.

When providing information to an individual, we will verify the individual's identity. If there is any doubt, questions will be asked of the individual, to which he/she is likely to know the answers.

## Requests from Other Agencies for Personal Information

Requests from any external agency will be processed in accordance with GDPR and Data Protection Act 2018.

The staff member responsible for dealing with such requests (Data Controller for Schools and the DPO for the Trust) will ensure that any disclosure made without the consent of the child is done in accordance with the relevant legislation, taking account of an individual's rights as enshrined in the Human Rights Act 1998. Relevant, confidential information should only be disclosed to:

- other members of staff on a need to know basis;
- relevant parents/guardians;
- other authorities if it is necessary in the public interest, e.g. prevention of crime;
- other authorities such as the Local Authority and schools to which a child may move, where there are legitimate requirements.

## Vital Interests

There may be circumstances where it is considered necessary to process personal or special category personal data in order to protect the vital interests of a data subject. This might include medical emergencies where the data subject is not in a position to give consent to the processing. We believe that this will only occur in a very specific and limited circumstances. In such circumstances we would usually seek to consult with the DPO in advance, although there may be emergency situations where this does not occur.

## Data Uses and Purposes

All processing of personal data must be a purpose that is necessary to enable the Trust and its Schools to perform its duties and services. Personal information should only be processed in line

with those notified purposes.

All personal data should be regarded as confidential and its security protected accordingly. This also applies when information is being processed off-site. Information held by the Trust and its Schools must not be used for unauthorised non-Trust/School purposes.

Personal information should only be disclosed to persons (internal and external) where their authority to receive it has been explicitly established, e.g. where the information is required by the Police for the prevention and detection of crime, or a relevant Information Sharing Agreement is in place. Purposes will include the following:

- providing education and pastoral care;
- providing activities for children including school trips and before and after school clubs and activities;
- safeguarding and promoting the welfare of children and staff;
- providing references for children and staff;
- providing human resources function for staff;
- ancillary purposes to education including completing contractual obligations; and
- fundraising.

### Notifying Data Subjects

If we collect personal data directly from data subjects, we will inform them about:

- our identity and contact details as Data Controllers (Schools) and those of the DPO (Trust);
- the purposes and legal basis for which we intend to process that personal data;
- the types of third parties with which we will share or to which we will disclose that personal data;
- whether the personal data will be transferred outside the European Economic Area (EEA) and if so the safeguards in place;
- the period for which their personal data will be stored, by reference to our Retention procedures;
- the existence of any automated decision making in the processing of personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making; and
- the rights of the data subject to object to or limit processing, request information, request deletion of information or lodge a complaint with the ICO.

Unless we have already informed data subjects that we will be obtaining information about them from third parties (i.e. privacy notices), then if we receive personal data about a data subject from other sources, we will provide the data subject with the above information as soon as possible thereafter, informing them of where the personal data was obtained from.

We will ensure that personal data we hold is accurate and kept up-to-date. We will take reasonable steps to destroy or amend inaccurate or out-of-date data. Data subjects have a right to have any

inaccurate personal data rectified.

### Consent

There are strict legal requirements in relation to the form of consent that must be obtained from data subjects.

Where none of the other bases for processing set out above apply, then the Trust or School must seek the consent of the data subject before processing any personal data for any purpose.

Any consent must be freely given, specific, informed and an unambiguous indication of the individual's wishes. Consent can be withdrawn by the individual at any time.

Where a child or an employee joins the Schools or Trust a consent form will be required to be completed in relation to them. This consent form deals with the taking and use of photographs and videos of them, amongst other things. Where appropriate third parties may also be required to complete a consent form.

In relation to all children under the age of 13 years old, the consent of parents will be sought prior to the processing of a child's data, except where the processing is related to preventative or counselling services offered directly to a child. If consent is required for any other processing of personal data of any data subject then the form of this consent must:

- inform the data subject of exactly what we intend to do with their personal data;
- require them to positively confirm that they consent – we cannot ask them to opt-out rather than opt-in; and
- inform the data subject of how they can withdraw their consent.

A record must always be kept of any consent, including how it was obtained and when.

### Data Quality and Retention

Information processed should not be excessive or irrelevant to the notified purposes.

Information must be held only for so long as is necessary for the notified purposes, after which it should be deleted or destroyed in accordance with the Trust's Retention and Disposal schedule contained in the Trust Record Management procedures.

Wherever information is processed, reasonable steps should be taken to ensure that it is up-to-date and accurate.

### The Right of Access to Personal Data

Individuals have the right to obtain confirmation that their data is being processed and they have



the right to submit a Personal Information Request (more widely known as Subject Access Requests, SAR) to gain access to their personal data in order to verify the lawfulness of the processing.

The Trust/School will verify the identity of the person making the request before any information is supplied. A copy of the information will be supplied to the individual free of charge; however, the Trust or School may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format upon confirmation of identity. All requests will be responded to within 30 calendar days of receipt.

If we consider the issue to be too complex to resolve within that period, then we may extend the response period by a further two months. If this is necessary, we will inform the data subject within one month of their request that this is the case.

### **The Right to Object**

Data subjects may object to us processing their personal data. This right may be exercised in relation to processing that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task carried out in the public interest.

An objection to processing does not have to be complied with where the School or Trust can demonstrate compelling legitimate grounds which override the rights of the data subject.

Such considerations are complex and must always be referred to the Data Controllers (Headteachers) or the DPO (Trust) upon receipt of the request to exercise this right. The School or Trust is not however obliged to comply with a request where the personal data is required in relation to any claim or legal proceedings.

### **The Right to Rectification**

If a data subject informs the School or Trust that personal data held about them is inaccurate or incomplete then we will consider that request and provide a response within one month. Where the personal data in question has been disclosed to third parties, the Trust/School will inform them of the rectification where possible.

If we consider the issue to be too complex to resolve within that period, then we may extend the response period by a further two months. If this is necessary, we will inform the data subject within one month of their request that this is the case.

We may determine that any changes proposed by the data subject should not be made. If this is the case then we will explain to the data subject why this is the case. In those circumstances, we will

inform the data subject of their right to complain to the ICO at the time that we inform them of our decision in relation to their request.

### **The Right to Restrict Processing**

Data subjects have a right to 'block' or suppress the processing of personal data. This means that the Trust and its Schools can continue to hold the personal data but not do anything else with it. The Trust and its Schools must restrict the processing of personal data:

- where it is in the process of considering a request for personal data to be rectified;
- where the Trust/Schools are in the process of considering an objection to processing by a data subject;
- where the processing is unlawful but the data subject has asked the Trust/Schools not to delete the personal data; and
- where the Trust/Schools no longer needs the personal data but the data subject has asked the Trust/School not to delete the personal data because they need it in relation to a legal claim, including any potential claim against the Trust/School.

### **The Right to be Forgotten**

Data subjects have a right to have personal data about them held by the School or Trust erased only in the following circumstances:

- where the personal data is no longer necessary for the purposes for which it was originally collected;
- when a data subject withdraws consent – which will apply only where the School/Trust is relying on the individuals consent to the processing in the first place;
- when a data subject objects to the processing and there is no overriding legitimate interest to continue that processing;
- where the processing of the personal data is otherwise unlawful;
- where it is necessary to erase the personal data to comply with a legal obligation; and
- if the School/Trust offers information society services to a child and consent is withdrawn in respect of that child in relation to those services.

The School/Trust is not required to comply with a request by a data subject to erase their personal data if the processing is taking place:

- to exercise the right of freedom of expression or information;
- to comply with a legal obligation for the performance of a task in the public interest or in accordance with the law;
- for public health purposes in the public interest;
- for archiving purposes in the public interest, research or statistical purposes; or
- in relation to a legal claim.

If the School/Trust has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this provides impossible or involves a disproportionate effort.

The Data Controllers (Headteachers) and DPO (Trust) must be consulted in relation to requests under this right.

### **Right to Data Portability**

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

- to personal data that an individual has provided to a Data Controller/Data Processor;
- where the processing is based on the individual's consent or for the performance of a contract;
- when processing is carried out by automated means.

Personal data will be provided in a structured, commonly used and machine-readable form.

### **Data Security**

The Trust and Schools must take all appropriate measures to safeguard against unauthorised or unlawful processing of personal information and against accidental loss, damage or destruction of personal information.

We will put in place procedures and technologies to maintain the security of all personal data from the point of collection to the point of destruction.

Security procedures include:

**Site Security** – any unauthorised person seen in entry-controlled areas should be immediately reported to the relevant School and Trust security teams.

**Secure lockable desks and cupboards** – desks and cupboard should be kept locked if they hold confidential information of any kind. Personal data is considered confidential.

**Methods of Disposal** – paper documents should be shredded. Digital storage devices should be physically destroyed when they are no longer required. IT assets must be disposed of in accordance with the ICO's guidance on the disposal of IT assets.

**Equipment** – data users must ensure that individual monitors do not show confidential information to passers-by and that they lock or log off from their devices when it is left unattended.

**Working away from School or Trust premises – paper documents.** Paper documents should only be removed from site where there is a clear and compelling case to do so. No confidential information should be removed from the site, except where this is necessary to fulfil an agreed purpose of the School or Trust, i.e. the risk assessment protocols carried on School/Trust visits. Where this is the case, document sign out procedures will apply.

**Working away from the school premises – electronic working.** The Trust supports remote and electronic working as central to our delivery of educational services across its schools. However, remote working must be within the parameters of our ‘Mobile Computing, Email and Acceptable Use’ procedures. This includes only using School/Trust issued USB drives that have appropriate encryption or PIN security.

**Document printing** – documents containing personal data must be collected immediately from printers and not left on photocopiers.

It is the duty of individual members of staff to ensure that personal data held by them is dealt with in accordance with Data Protection legislation.

Disciplinary action may be taken against any member of staff who fails to comply with or commits a breach of this Policy.

### **Data Incident Reporting/Data Breaches**

The term ‘personal data incident/breach’ refers to a breach of security which has led to the destruction, loss, alternation, unauthorised disclosure of, or access to, personal data.

The DPO and Data Controllers will ensure that all staff members are aware of, and understand, what constitutes as a data breach as part of their continuous professional development.

Staff members must notify the Data Controller (Headteachers) and the DPO (Trust) of any potential data incidents as soon as the incident occurs and in any event within 24 consecutive hours after occurrence. Any reported data incident/breach will be investigated appropriately and actions taken as necessary. The following will be investigated:

- The nature of the personal data incident, including the categories and approximate number of individuals and records concerned;
- an explanation of the likely consequences of the personal data incident;
- a description of the proposed measures to be taken to deal with the incident;
- where appropriate, a description of the measures taken to mitigate any possible adverse effects.

If a member of public reports a potential incident, they can do this by contacting the Data Controllers (Headteachers) and DPO (Trust) directly by email:

[dataprotection@transformtrust.co.uk](mailto:dataprotection@transformtrust.co.uk)

Personal data incidents/breaches will be notified to the ICO within 72 hours of the incident. All staff members follow the Trust's Data Breach guidance and associated templates and procedures and the ICO's guidance.

Failure to report a breach when required to do so will result in a fine, as well as a fine for the breach itself.

### **Privacy by Design and Privacy Impact Assessments**

In certain circumstances the law requires us to carry out detailed assessments of proposed processing. The Trust and its Schools will act in accordance with the GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the Trust/School has considered and integrated data protection into processing activities. This includes where we intend to use new technologies which might pose a high risk to the rights of data subjects because of the types of data we will be processing or the way that we intend to do so.

High risk processing includes, but is not limited to, the following:

- systematic and extensive processing activities, such as profiling;
- large scale processing of special categories of data or personal data which is in relation to criminal convictions or offences.

The Trust will complete an assessment of any such proposed processing and has a template document which ensures that all relevant matters are considered.

The DPO should always be consulted as to whether a data protection impact assessment is required, and if so how to undertake the assessment.

### **Disclosure and Sharing of Personal Information**

We may share personal data that we hold about data subjects, and without their consent, with other organisations. Such organisations include:

- The Department for Education
- The Education and Skills Funding Agency
- Ofsted
- Health Authorities and Professionals
- Local Authority
- Examination Bodies
- Other Schools

- Other organisations where we have a lawful basis for doing so.

Schools and or the Trust will inform data subjects of any sharing of their personal data unless we are not legally required to do so, for example where personal data is shared with the police in the investigation of a criminal offence.

### Third Parties

The Trust and its Schools contract with various organisations who provide services to the Schools or Trust, including: payroll, information management service providers; IT and other data management contractors. These services delivered by these companies are integral to the work of the School or Trust, including educational delivery in schools, record keeping including safeguarding records, analysis of data returns and school improvement.

In order that these services can be provided effectively we are required to transfer personal data of data subjects to these data processors.

Personal data will only be transferred to a data processor if they agree to comply with our procedures and policies in relation to data security, or if they put in place adequate measures to the satisfaction of the Trust. The Trust will always undertake due diligence of any data processor before transferring the personal data of data subjects to them.

Contracts with data processors will comply with Data Protection legislation and contain explicit obligations on the data processor to ensure compliance with the Data Protection legislation, and compliance with the rights of data subjects.

### Use of CCTV and Photography

The Trust and its Schools understands that recording images of identifiable individuals constitutes as processing personal information so it is done in line with data protection principles.

The Trust and its Schools notifies all children, staff, governors and visitors of the purpose for collecting CCTV images via notices displayed around our buildings where CCTV is in operation. The Trust and our schools will follow the [ICO's guidance](#) for the use of CCTV.

Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose. CCTV footage is kept in line with the Trust and School's retention procedures.

We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this.

### **Artificial intelligence**

Artificial intelligence tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. Transform Trust and its schools recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, we will treat this as a data breach.

## Data Protection Terms

**Data** is information which is stored electronically, on a computer, or in certain paper-based filing systems.

**Data Subjects** for the purpose of this policy include all living individuals about whom we hold personal data. This includes children, our workforce, staff, governors, volunteers and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information.

**Personal Data** means any information relating to an identified or identifiable natural person (data subject). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identified or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Personal Data Incident/Breach** means an incident or breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, access to personal data transmitted, stored or otherwise processed.

**Consent** means given freely, specific, informed and unambiguous indication of wishes, by a statement or clear affirmative action which signifies agreement to the processing of data.

**Special categories of personal data** is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural persons sex life or sexual orientation.

**Personal Information Request (known as Subject Access Request)** is the right to access personal data by the child or parent/carer of the child or member of staff.

## Monitoring and Review of the Policy

This Policy may be amended at any time to take account of changes in legislation. The normal cycle of review for this policy will be 2 years.