



COLLABORATIVE LEARNING TRUST

Working Together to Secure Success

Data Protection Policy

Approved by Audit & Risk Committee: April 2023

Review: April 2025

1. Aims

The Trust aims to ensure that all personal data collected about staff, pupils, parents, governors, visitors and other individuals is collected, stored and processed in accordance with UK data protection legislation (the UK [General Data Protection Regulation \(UK GDPR\)](#) and the [Data Protection Act 2018 \(DPA 2018\)](#)).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the UK GDPR following the incorporation of the EU GDPR into UK legislation, with some amendments outlined in The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020 and the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the [GDPR](#).

It meets the requirements of the [Protection of Freedoms Act 2012](#) when referring to our use of biometric data (if any). It also reflects the ICO's [code of practice](#) for the use of surveillance cameras and personal information. It also 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.

In addition, this policy complies with our funding agreement for the Academy Trust and its articles of association.

3. Definitions

Term	Definition
<p>Personal data</p>	<p>Any information relating to an identified, or identifiable, living individual.</p> <p>This may include the individual's:</p> <ul style="list-style-type: none"> • Name (including initials) • Identification number • Location data • Online identifier, such as a username <p>It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.</p>
<p>Special categories of personal data</p>	<p>Personal data which is more sensitive and so needs more protection, including information about an individual's:</p> <ul style="list-style-type: none"> • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes • Health – physical or mental • Sex life or sexual orientation
<p>Processing</p>	<p>Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying.</p> <p>Processing can be automated or manual.</p>
Term	Definition
<p>Data subject</p>	<p>The identified or identifiable individual whose personal data is held or processed.</p>

Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
Local governing committee	School level governance with the terms of reference specified in the Articles
Trust	The Collaborative Learning Trust (CLT)
Headteacher	The lead person in each school.
Governors	The governors appointed by local governing bodies of the individual schools and the Directors of the Trust.
Trustees	The Directors of company number 07831080 Collaborative Learning Trust as registered at companies house.
Schools	The academies within the Trust

4. The data controller

The Trust and the schools therein process personal data relating to parents, pupils, staff, governors, visitors and others, and therefore is a data controller.

The Trust is registered with the Information Commissioner's Office (ICO) and pays the appropriate fee annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by the Trust and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Board of Trustees

The Trust board has overall responsibility for ensuring that schools within the Trust comply with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They may be required to provide an annual report of their activities directly to the Trustees and, where relevant, report to the board their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for the ICO.

Our DPO is Richard Lewis-Ogden and is contactable by email: dpo@bywaterkent.co.uk

The Trust's data protection lead for the day-to-day oversight of data protection is the Trust Operations Manager

5.3 Headteachers

The Headteacher acts as the representative of the data controller on a day-to-day basis at the schools within the Trust. This role may be delegated to a named individual within school such as the school's office manager or data manager.

5.4 All staff

Staff are responsible for:

1. Collecting, storing and processing any personal data in accordance with this policy.
2. Informing the school of any changes to their personal data, such as a change of address
3. Contacting the Data protection lead in school in the first instance, or the DPO in the following circumstances:
 1. With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 2. If they have any concerns that this policy is not being followed
 3. If they are unsure whether or not they have a lawful basis to use personal data in a particular way

4. If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
5. If there has been a data breach
6. Whenever they are engaging in a new activity that may affect the privacy rights of individuals
7. If they need help with any contracts or sharing personal data with third parties

6. Data protection principles

The UK GDPR is based on data protection principles that the Trust and our schools must comply with.

The principles say that personal data must be:

- Processed lawfully, fairly and transparently
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

This policy sets out how the school aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one of 6 'lawful bases' (legal reasons) to do so under data protection law:

1. The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
2. The data needs to be processed so that the school can **comply with a legal obligation**
3. The data needs to be processed to ensure the **vital interests** of the individual or another person i.e. to protect someone's life
4. The data needs to be processed so that the school, as a public authority, can **perform a task in the public interest or exercise its official authority**

5. The data needs to be processed for the **legitimate interests** of the school (where the processing is not for any tasks the school performs as a public authority) or a third party, provided the individual's rights and freedoms are not overridden
6. The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law.

7. The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**
8. The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**
9. The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
10. The data has already been made **manifestly public** by the individual
11. The data needs to be processed for the establishment, exercise or defence of **legal claims**
12. The data needs to be processed for reasons of **substantial public interest** as defined in legislation
13. The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law
14. The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law
15. The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

16. The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**
17. The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent
18. The data has already been made **manifestly public** by the individual
 - The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise or defence of **legal rights**
 - The data needs to be processed for reasons of **substantial public interest** as defined in legislation

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect, or use personal data in ways which have unjustified adverse effects on them.

7.2 Limitation, minimisation and accuracy

We will only collect personal data for specified, explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data.

If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so, and seek consent where necessary.

Staff must only process personal data where it is necessary in order to do their jobs.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, when staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with the most recent Information Record Management Society's Academies Toolkit record retention schedule.

8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff or other pupils at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this

Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with UK data protection law
- Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service

We will also share personal data with law enforcement and government bodies where we are legally required to do so.

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the Trust and/or our schools hold about them. This includes:

1. Confirmation that their personal data is being processed
2. Access to a copy of the data
3. The purposes of the data processing
4. The categories of personal data concerned
5. Who the data has been, or will be, shared with
6. How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
7. Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
8. The right to lodge a complaint with the ICO or another supervisory authority
9. The source of the data, if not the individual
10. Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
11. The safeguards provided if the data is being transferred internationally
12. Subject access requests can be submitted in any form. However, we encourage that requests are made in writing and include:
 - Name of individual
 - Correspondence address
 - Contact number and email address
 - Details of the information requested

If staff receive a subject access request in any form they must immediately forward it to the School's data protection lead who will liaise with the DPO. Please see **Appendix 2** for an example from the Information Commissioner's Office of a Subject Access Request letter or email template.

9.2 Children and subject access requests

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request, or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our primary schools may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

Children aged 12 and above are generally regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils at our high schools may not be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

1. May ask the individual to provide up to two forms of identification
2. May contact the individual via telephone to confirm the request was made
3. Will respond without delay and within one calendar month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
4. Will provide the information free of charge
5. May tell the individual we will comply within three months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within one month, and explain why the extension is necessary.

We may not disclose information for a variety of reasons, such as if it:

6. Might cause serious harm to the physical or mental health of the pupil or another individual
7. Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
8. Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
9. Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

9.4 Other data protection rights of the individual

In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it (see section 7), individuals also have the right to:

1. Withdraw their consent to processing at any time
2. Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
3. Prevent use of their personal data for direct marketing
4. Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
5. Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
6. Be notified of a data breach (in certain circumstances)
7. Make a complaint to the ICO
8. Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the school office in the first instance. If staff receive such a request, they must immediately forward it to the Data Protection lead in school.

10. Parental requests to see the educational record

Although Academies do not have a legal duty to do so, in the spirit of data protection best practice, Academies in the Trust will respond positively to a request from a parent or someone with parental responsibility to access their child's educational record. This includes most information about a pupil. Parents or those with parental responsibility can make the request to the administration contact within each school.

If the request is for a copy of the educational record the school may charge a fee to cover the cost of supplying it.

There are certain circumstances in which they may refuse the request. This includes, but is not limited to, where releasing the information might cause serious harm to the physical or mental health of the pupil or another individual or if it would mean releasing exam marks before they are officially announced or if the request is considered vexatious.

In circumstances where a request is refused, the school will explain its reasons for doing so and will discuss with the parent or person with parental responsibility whether any more limited information can be provided or whether the information may be provided at a later date.

11. Biometric recognition systems

Note that in the context of the Protection of Freedoms Act 2012, a “child” means a person under the age of 18.

If, and where we use pupils’ biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash), we will comply with the requirements of the [Protection of Freedoms Act 2012](#).

Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.

Parents/carers and pupils have the right to choose not to use the school’s biometric system(s). We will provide alternative means of accessing the relevant services for those pupils. For example, pupils can pay for school dinners in cash at each transaction if they wish.

Parents/carers and pupils can withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.

As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil’s parent(s)/carer(s).

Where staff members or other adults use the school biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant

service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

12. CCTV

Where we use CCTV in various locations around the school site to ensure it remains safe, we will adhere to the ICO's [code of practice](#) for the use of CCTV.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the school office at the appropriate school.

13. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our schools.

Under 13 years old

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 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.

Over 13 years old (Secondary schools)

We will obtain written consent from parents/carers, or pupils aged 13 and over, for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

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 (or pupils where appropriate) have agreed to this.

Where the Trust and its schools take photographs and videos, uses may include:

- Within schools on notice boards and in school magazines, brochures, newsletters, etc.
- Outside schools by external agencies such as the school photographer, newspapers, campaigns
- Online on the Trust and schools' websites or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

When using photographs and videos in this way we will not accompany them with any other personal information about the child, to ensure they cannot be identified.

14. Data protection by design and default

We will put measures in place to show that we have integrated data protection into all of our data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)
- Completing data protection impact assessments where the school processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Putting appropriate checks in place if we transfer any personal data outside the UK where no adequacy agreements are in place.
- Maintaining records of our processing activities, including:

1. For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
2. For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, retention periods and how we are keeping the data secure

15. Data security and storage of records

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing or disclosure, and against accidental or unlawful loss, destruction or damage.

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 12 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites
- Microsoft 365 is used for secure data storage instead of unencrypted removable media
- Staff, pupils or trustees and governors who store personal information on their personal devices are expected to follow the same security procedures as for Trust-owned equipment (see the secondary schools Computing Facilities Guidance and Acceptable Use Policy, and for primary schools, their acceptable use policy).
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school behalf. If we do

so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

17. Personal data breaches

The Trust will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

18. Training

All staff and governors are provided with data protection training as part of their induction process. In line with the ICO's recommendation, refresher training will be provided to all staff regularly and not less than biennially.

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

19. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed and approved every two **years** by the trustees and shared with school governors.

20. Links with other policies

This data protection policy should be read in conjunction with all other relevant policies at both Trust and school level.

Appendix 1 - Personal data breach procedure

The Trust will investigate and report data breaches to the ICO where, on the advice of the DPO, the breach meets the criteria for reporting, or it would be safer in the context to do so.

Appendix 2 – Subject Access Request Letter or Email Template

[Name and address of the organisation]

[Your name and full postal address]

[Your contact number]

[Your email address]

[The date]

Dear Sir or Madam

Subject access request

[Include your full name and other relevant details to help identify you].

Please supply the personal data you hold about me, which I am entitled to receive under data protection law, held in:

[Give specific details of where to search for the personal data you want, for example:

- my personnel file;
- emails between ‘person A’ and ‘person B’ (from 1 June 2017 to 1 Sept 2017)
- my medical records (between 2014 and 2017) held by ‘Dr C’ at ‘hospital D’;
- the CCTV camera situated at (‘location E’) on 23 May 2017 between 11am and 5pm; and
- financial statements (between 2013 and 2017) held in account number xxxxx.]

If you need any more information, please let me know as soon as possible.

[If relevant, state whether you would prefer to receive the data in a particular electronic format, or printed out].

It may be helpful for you to know that data protection law requires you to respond to a request for personal data within one calendar month.

If you do not normally deal with these requests, please pass this letter to your data protection officer or relevant staff member.

If you need advice on dealing with this request, the Information Commissioner’s Office can assist you. Its website is ico.org.uk, or it can be contacted on 0303 123 1113.

Yours faithfully

[Signature]