

Edition 1
**The Race
to GDPR**



**COUNTDOWN TO
COMPLIANCE**
25 MAY 2018

**Give
Data
Proper
Respect**



DATA PROTECTION
WE ALL HAVE
RESPONSIBILITY

NEWSLETTER



Introduction

The GDPR (General Data Protection Regulation) is an EU Regulation which replaces The Data Protection Act 1998. GDPR comes in to force 25 May 2018 and will apply despite Brexit.

Significant changes include:

- Greater emphasis on demonstrating compliance.
- Stronger and additional rights for individuals.
- Mandatory data breach reporting in certain cases.
- More severe consequences for getting it wrong.

This is the first in a series of GDPR newsletters which will raise awareness of your responsibilities and ensure you are kept up to date with this key requirement.

What is personal data?

To be able to comply with the GDPR you need to understand what personal data is used by the Trust, how and why.

Personal data is information:

- From which an individual can be identified (directly or indirectly).
- Which relates to that individual.
- Not just factual - opinions count.

Personal Data such as:

- Staff and student files –both paper and online.
- Academic results and records.
- Student and Parent contact details.
- Attendance data.
- Medical and special educational needs information.
- CCTV or other surveillance.

Special Category Personal Data:

Certain types of personal data are afforded additional protection by the GDPR, including:

- Racial or ethnic origin,
- Political opinions
- Religious beliefs
- Trade Union membership
- Health (including mental health)
- Sexual orientation
- Genetic and biometric
- Criminal offence data is also more rigorously protected

GDPR is relevant to us all and we all have a responsibility to protect personal data

GDPR First Steps

- Scope and Structure
- Transparency
- Data Retention



Best Practice:

Keep computer screens locked when not in use

Clear your desk at the end of the day

Keep drawers and cupboards locked

Principles:

GDPR requires that personal data shall be:

- Processed lawfully, fairly and in a transparent manner.
- Collected for specified, explicit and legitimate purpose and not processed in a manner which is incompatible with those purposes.
- Adequate, relevant and not excessive.
- Accurate and up to date.
- Not kept for longer than is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures appropriate security, e.g. not accidentally lost, damaged etc.

Specific issues for children's data

Schools are in the unique position of processing large amounts of data about students under the age of 18. The position is relatively straightforward when dealing with younger children as you can get parental consent and engage with parents about how data is used. Once the student gets to a certain age however, you have to explain to them how their data is used and potentially get their consent. This age is not set by the GDPR –it is to be set by the ICO and our understanding currently is that this age could be as low as 12.

It will be essential for schools to understand when they need to engage with parents and when they need to engage with the student. It will also be essential that your data protection information is clear and understandable to students as well as parents.

What happens if schools don't comply?

The risks of non compliance are high and schools will be liable for breaches of the GDPR and will be subject to fines. Academies, free schools and independent schools will be treated in the same way as businesses and will be subject to potential fines of up to €20 million or 4% of annual worldwide turnover. In some ways schools are in a worse position than businesses as non compliance with data protection law can be criticised by Ofsted and used as an indicator of poor data management in an Ofsted report. Schools may also receive complaints from parents and investigation by the ICO for any breaches or improper management.

Staff Awareness / Training

ALL STAFF NEED TO UNDERSTAND HOW TO PROTECT THE DATA THEY HOLD!

Look out for the first GDPR awareness / training video which will take you through all the areas of GDPR which you will need to know and understand. Additionally, live examples are given and at the end of the video there is a short quiz. The video is approximately 20 minutes and a link will be forwarded shortly.

Please click on the link below to watch a Department for Education video which will give you more information. <https://www.youtube.com/watch?v=yO9IHXv6u6M>

Look out for Edition 2

*for more useful information around The General
Data Protection Regulation (GDPR)*