



Data Protection GDPR Policy & SARs

Policy Review

Reviewed by Governing Board annually.

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Chair of Governors Signature:

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1 INTRODUCTION

- 1.1 The Federation collects and uses personal information about staff, pupils, parents, and other individuals who come into contact with the Federation and its schools. This information is gathered to enable the Federation to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the Federation complies with its statutory responsibilities.
- 1.2 All staff are obliged to comply with this Policy when processing Personal Data on our behalf. Any breach of this Policy by staff may result in disciplinary or other action.

2 ABOUT THIS POLICY

- 2.1 The Federation holds Personal Data about current, past, and prospective pupils, parents, employees, and others with whom the Federation and Federation and schools communicates. Personal Data may be recorded on paper, stored electronically, in visual media, or other formats.
- 2.2 This Policy and other documents referred to in it, set out the basis on which the Federation will process any Personal Data it collects from individuals, whether those data are provided to us by individuals or obtained from other sources. It sets out the rules on data protection and the legal conditions that must be satisfied when we obtain, handle, process, transfer and store Personal Data.
- 2.3 This Policy does not form part of any employee's contract of employment and may be amended at any time.
- 2.4 The Data Protection Officer is responsible for supporting the Federation with compliance with the Relevant Data Protection Laws and with this Policy. That post is held by Services4schoolsLtd. Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the Data Protection Officer. The Data Protection Officer can be contacted at mvlahakis@cadmusschools.co.uk

3 DEFINITION OF DATA PROTECTION TERMS

- 3.1 In this Policy, the functions of the Federation and schools are the provision of education and any pastoral, business, administrative, community or similar activities associated with that provision. References to the Federation and schools 'carrying out functions' or similar are references to these activities.
- 3.2 References to 'we' are references to the Federation and schools.
- 3.3 **Data Subjects** means identified or identifiable natural (living) persons whose Personal Data the Federation and schools holds. These may be pupils, parents/carers, staff, governors, visitors etc. This Policy also refers to Data Subjects as 'individuals.'
- 3.4 **Data Controllers** are the people who, or organisations which, determine the purposes for which any Personal Data are processed, including the means of the processing. The Federation and schools is the Data Controller of all Personal Data used for carrying out its functions.
- 3.5 **Federation and schools staff** are, for the purposes of this Policy, those of our employees whose work involves processing Personal Data. Federation and schools staff must protect the data they handle in accordance with this Policy and any applicable data security procedures at all times.
- 3.6 **Data Processors** include any person or organisation, who is not a member of Federation and schools staff, which processes Personal Data on the Federation and schools behalf, including any external suppliers that handle Personal Data on the Federation and schools behalf.
- 3.7 **Privacy Notices** are documents explaining to Data Subjects how their data will be used by the Federation and schools.
- 3.8 **Personal Data** means any information relating to an identified or identifiable natural (living) person; 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 identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

- 3.9 **Personal Data Breach** means the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data the Federation and school is responsible for.
- 3.10 **Pseudonymisation** means the processing of Personal Data so that it can no longer be attributed to a specific person without the use of additional information. This additional information (or key) must be kept separately and is subject to measures to ensure that the identity of the Data Subject remains protected.
- 3.11 **Relevant Data Protection Law** means the Data Protection Act 2018, the UK General Data Protection Regulation, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (SI 2003/2426) and all applicable laws and regulations relating to the processing of Personal Data and privacy as amended, re-enacted, replaced or superseded from time to time and where applicable the guidance and codes of practice issued by the United Kingdom's Information Commissioner.
- 3.12 **Special Categories of Personal Data** (formerly known as 'sensitive Personal Data') includes information about a person's racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health or condition, sexual life and genetic or biological traits. Special Categories of Personal Data can only be processed under strict conditions.

4 **DATA PROTECTION PRINCIPLES**

- 4.1 Anyone processing Personal Data for, or on behalf of, the Federation and schools must comply with the principles of good practice contained in the Relevant Data Protection Law. These principles state that Personal Data must be:
 - 4.1.1 Processed fairly, lawfully and transparently.
 - 4.1.2 Processed for specified, limited and legitimate purposes and in an appropriate way.
 - 4.1.3 Adequate, relevant, and not excessive for the purposes for which they are processed.
 - 4.1.4 Accurate and, where necessary, kept up to date.
 - 4.1.5 Not kept longer than necessary for the intended purpose of processing; and
 - 4.1.6 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.

The Federation and schools will keep a record of all Data Processing activities and must be able to demonstrate their compliance with these principles and with the wider requirements of Relevant Data Protection Law.

5 **FAIR, LAWFUL, AND TRANSPARENT PROCESSING**

- 5.1 For Personal Data to be processed lawfully, they must be processed on the basis of one of the legal grounds set out in Relevant Data Protection Law. These include, but

are not limited to:

- 5.1.1 The individual's explicit consent to the processing for one or more specified purposes.
 - 5.1.2 That the processing is necessary for the performance of a contract with the individual or for compliance with a legal obligation to which the Federation and schools are subject.
 - 5.1.3 That the processing is necessary to perform a task in the public interest or for your official functions and public task; or
 - 5.1.4 That the processing is in the legitimate interest of the Federation and schools or relevant third parties to which the data are disclosed, so long as this is balanced with the rights and freedoms of the individual.
- 5.2 Where a change to a process, or introduction of a new process involving the use of large volumes of Data Processing, that is likely to pose a high risk to individuals' rights, the Federation and schools will carry out an appropriate Privacy Impact Assessment.
- 5.3 *Special Categories of Personal Data*
- 5.4 When Special Categories of Personal Data are being processed, the individual's explicit consent to processing of those data must be obtained unless the processing:
- 5.4.1 Is necessary for the purposes of carrying out the obligations and exercising specific rights of the Federation and schools or of the individual in the field of employment and social security and social protection law.
 - 5.4.2 Is necessary for the assessment of the working capacity of an individual where the individual is an employee or for the provision of health or social care.
 - 5.4.3 Relates to Personal Data which are manifestly made public by the individual.
 - 5.4.4 Is necessary for reasons of substantial public interest; or
 - 5.4.5 Is necessary to protect the vital interests of the individual.
- 5.5 Processing of data relating to Criminal Convictions and Offences can only take place under the control of an official authority, such as instructions from the police or an order of the court, or where UK law states that processing must take place.
- 5.5.1 This is undertaken as part of the pre-employment check process (DBS) for all staff employed by the Federation and schools, or where it is necessary to perform such a check as required by safeguarding regulation.
- 5.6 *Consent of adults and organisations*
- 5.7 Where an individual gives consent to Data Processing, that consent must be freely given, specific, informed, and unambiguous and should be either in the form of a statement (whether or not prepared by the Federation and schools) or a positive action demonstrating consent. Any requests that the Federation and schools make for consent must be in clear language.
- 5.8 An individual has the right to withdraw consent at any time and will be informed of this right and how to exercise it when the Federation and schools request consent.

5.9 *Consent of children and young people*

- 5.10 Parental consent to Data Processing must be obtained for pupils or other children younger than 16 years of age.

6 PROCESSING FOR SPECIFIED, LIMITED AND LEGITIMATE PURPOSES

- 6.1 In the course of carrying out its functions, the Federation and schools may collect and process the Personal Data set out in its data asset register. This may include data we receive directly from an individual (for example, by completing forms or by corresponding with us by post, phone, email, or otherwise) and data we receive from other sources (including, for example, parents/carers, other schools, the local authority or other public bodies, recruitment agencies or service providers, professional advisers, and others).

- 6.2 The Federation and schools will only process Personal Data for the specific purposes set out in Information Asset Register or for any other purposes specifically permitted by Relevant Data Protection Law. We will explain those purposes to the Data Subject via Privacy Notices, or consent forms as appropriate.

- 6.3 CCTV is used by the Federation and schools to support the prevention and deterrence of crime and to support pupil behaviour policies.

- 6.4 Where the use of CCTV include the recording of images of identifiable individuals, the Federation and schools will comply with the Data Processing principles within this Policy.

- 6.5 The use of CCTV is to ensure the Federation and school sites are secure. The Federation and schools will adhere to the ICO's code of practice for the use of CCTV. All pupils, staff and visitors will be notified that CCTV is in operation via signage.

- 6.6 The Federation and schools will ensure that all CCTV footage will be kept for up to 30 calendar days for security purposes before being deleted, unless subject to a criminal or internal investigation.

- 6.7 Any enquiries about CCTV systems across the Federation and schools should be directed to the relevant Headteacher in the first instance.

7 ADEQUATE, RELEVANT AND NON-EXCESSIVE PROCESSING

- 7.1 We will only collect Personal Data to the extent that it is required for the specific purpose notified to the individual.

- 7.2 If a member of staff has any doubt as to whether any processing exceeds the purposes for which that data was originally collected, he or she should notify the Data Protection Officer.

8 ACCURATE AND UP-TO-DATE DATA

- 8.1 We will ensure that Personal Data we hold are accurate and kept up to date. We will check the accuracy of any Personal Data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out-of-date data.

- 8.2 It is the responsibility of staff to ensure that Personal Data is accurate and kept up to date. All staff must as a minimum check that any Personal Data that they provide to the Federation and schools in connection with their employment is accurate and up to

date. They must also inform the Federation and schools of any changes to their Personal Data that they have provided, e.g. change of address, either at the time of appointment or subsequently.

9 TIMELY PROCESSING

- 9.1 We will not keep Personal Data longer than is necessary for the purpose or purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all data which are no longer required. We will be guided by the Information Records Management Society guidance in respect of decision making concerning the retention of Personal Data (schools Toolkit 2019).
- 9.2 If a member of staff has any doubt as to whether any Personal Data has been or will be kept longer than is necessary for the purpose or purposes for which they were collected, he or she should notify the Data Protection Officer.

10 PROCESSING SECURELY AND IN LINE WITH RIGHTS OF DATA SUBJECTS

- 10.1 We are committed to upholding the rights of individuals to access Personal Data the Federation and schools holds on them.
- 10.2 We will process all Personal Data in line with individuals' rights, in particular their rights to:
- 10.2.1 Be informed, in a manner which is concise, transparent, intelligible and easily accessible and written in clear and plain language, of the purpose, use, recipients and other processing issues relating to data;
 - 10.2.2 Receive confirmation as to whether your Personal Data is being processed by us;
 - 10.2.3 Access your Personal Data which we are processing only by formal written request. We may charge you for exercising this right if we are allowed to do so by Relevant Data Protection Law. Federation and schools employees who receive a written request should forward it to their line managers and the Data Protection Officer immediately;
 - 10.2.4 Have data amended or deleted under certain circumstances where data is inaccurate or to have data completed where data is incomplete by providing a supplementary statement to the Federation and schools (see also Paragraph 8);
 - 10.2.5 Restrict processing of data if one of the following circumstances applies:
 - a) The accuracy of the Personal Data is contested by the Data Subject, for a period enabling the controller to verify the accuracy of the Personal Data;
 - b) The processing is unlawful and the Data Subject opposes the erasure of the Personal Data and requests the restriction of their use instead;
 - c) The controller no longer needs the Personal Data for the purposes of the processing, but they are required by the Data Subject for the establishment, exercise or defence of legal claims;
 - d) The Data Subject has objected to processing pending the verification whether the legitimate grounds of the controller override those of the Data Subject.

- 10.2.6 Where processing has been restricted, as above, such Personal Data shall, with the exception of storage, only be processed with the Data Subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest and the Data Subject shall be informed.
- 10.2.7 Where processing is restricted under one of the grounds in Paragraph 10.2.5, the data shall only be processed with the individual's consent or in relation to the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the United Kingdom.
- 10.2.8 An individual who has obtained restriction of processing under Paragraph 10.2.5 shall be informed by the Federation and schools before the restriction of processing is lifted.
- 10.2.9 Receive data concerning the individual, which he or she has provided to the Federation and schools and is processed by automated means, in a structured, commonly used and machine-readable format and to transmit those data to another controller without hindrance from the Federation and schools.
- 10.2.10 Object to Data Processing on grounds relating to his or her particular situation unless the Federation and schools demonstrates compelling legitimate grounds for processing which overrides the interests, rights and freedoms of the individual or for to the establishment, exercise or defence of legal claims; and
- 10.2.11 Not to be subject to a decision based solely on automated decision-making and profiling which produces legal effects concerning him or her or similarly significantly affects him or her unless the decision is based on the individual's explicit consent.
- 10.3 It is the responsibility of all staff to ensure that any request by an individual under Paragraph 10.1 is brought to the attention of the Data Protection Officer without undue delay.
- 10.4 The Federation and schools may refuse a request by an individual wishing to exercise one of the above rights in accordance with Relevant Data Protection Law.
- 10.5 The Federation and schools shall provide information on action taken on a request under Paragraph 10.1 to the individual within one month of receipt of the request unless the Federation and schools deems it necessary to extend this period by two further months where the request is complex and informs the individual of such extension with reasons within one month of receipt of the request.
- 10.6 If a request under Paragraph 10.2 is unfounded or excessive, the Federation and schools may charge a reasonable fee for providing the information or refuse the request.
- 10.7 When receiving telephone enquiries, we will only disclose Personal Data we hold on our systems if the following conditions are met:
- 10.7.1 We will check the caller's identity to make sure that information is only given to a person who is entitled to it.

- 10.7.2 We will suggest that the caller put his or her request in writing if we are not sure about the caller's identity and where their identity cannot be checked.
- 10.8 Our employees will refer a request to the Headteacher and the Data Protection Officer. Employees should not be bullied into disclosing personal information.

11 NOTIFYING DATA SUBJECTS

- 11.1 If we collect Personal Data directly from individuals, we will at the time of collection inform them about the processing including:
 - 11.1.1 The identity and contact details for the Federation and schools and its Data Protection Officer;
 - 11.1.2 The purpose or purposes for which we intend to process those Personal Data;
 - 11.1.3 The types of third parties, if any, with which we will share or to which we will disclose those Personal Data; and
 - 11.1.4 The means, if any, by which individuals can limit our use and sharing of their Personal Data.
- 11.2 If we receive Personal Data from a source other than the individual we will, except in certain circumstances, provide the individual with the information in Paragraph 11.1 above at the following times:
 - 11.2.1 Within one month of receiving the Personal Data;
 - 11.2.2 If the Personal Data are to be used for communication with the individual, at the time of the first communication to the individual;
 - 11.2.3 If a disclosure to another recipient is envisaged by us, at the time of the disclosure to that recipient.
- 11.3 A notification in the form of a Privacy Notice will be in writing or via a link to a website, unless the individual requests an oral notification.
- 11.4 We will also inform individuals whose Personal Data we process that the Federation and schools are the Data Controller with regard to those data and who the Data Protection Officer is.

12 DATA SECURITY

- 12.1 We will take appropriate security measures against unlawful or unauthorised processing of Personal Data, and against the accidental loss of, or damage to, Personal Data.
- 12.2 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. Personal Data will only be transferred to a Data Processor if he or she agrees to comply with those procedures and policies, or if he or she puts in place adequate measures.
- 12.3 Federation and school staff will be issued with details of their obligations in relation to security of Personal Data.
- 12.4 All Federation and school staff must:

- 12.4.1 Assist the Federation and schools in upholding individuals' Data Protection rights;
 - 12.4.2 Only act in accordance with the Federation and schools instructions and authorisation;
 - 12.4.3 Notify the Data Protection Officer immediately of any Personal Data Breaches, allegations of Personal Data Breaches or suspicions of Personal Data Breaches in accordance with Paragraph 12.5;
 - 12.4.4 Comply at all times with the terms of any agreements with the Federation and schools and with their responsibilities under Relevant Data Protection Law;
 - 12.4.5 Satisfy the Federation and schools, within a reasonable period following request, of their compliance with the provisions of Paragraph 12.4.4.
- 12.5 The Federation and schools will notify the Information Commissioner's Office of any Personal Data Breaches without undue delay.
- 12.6 We will maintain data security by protecting the confidentiality, integrity and availability of the Personal Data, defined as follows:
- 12.6.1 **Confidentiality:** only people who are authorised to use the data can access them;
 - 12.6.2 **Integrity:** Personal Data should be accurate and suitable for the purpose for which they are processed;
 - 12.6.3 **Availability:** authorised users should be able to access the data if they need it for authorised purposes. Personal Data should therefore be stored on the Federation and schools central computer system instead of on individual computers, tablets or other media.
- 12.7 Security procedures include:
- 12.7.1 **IT Equipment:** Staff must ensure they have read the Federation and schools ICT policy before using Federation and school equipment, individual monitors do not show confidential information to passers-by and that they log off from their computers, tablets or other devices when left unattended.
 - 12.7.2 **Building Security and Entry controls:** All visitors are required to sign in using appropriate systems. Any unauthorised person seen on the Federation and schools premises should be reported.
 - 12.7.3 **Secure lockable storage:** Rooms, desks, cupboards and filing cabinets should be kept locked when unattended if they hold confidential information of any kind (personal information is always considered confidential).
 - 12.7.4 **Appropriate Sharing and Verbal Disclosure:** When providing personal information verbally, particularly by telephone, it is most important that the individual's identity is verified before any information is disclosed and that conversations occur in a space where information cannot be overheard.
 - 12.7.5 **Methods of disposal:** Paper documents containing personal information

should be shredded when they are no longer needed. Digital storage devices should be handed into relevant staff at the Federation and schools to be securely destroyed when they are no longer required.

- 12.7.6 **Personal Data on display:** All Personal Data displayed in the Federation and schools buildings will be limited to what is necessary and pseudonymised where appropriate. If Personal Data is displayed externally, then consent should be sought prior to publication.
- 12.7.7 **Electronic Transport/Transfer of Personal Data:** Federation and schools staff will use only approved methods to transport or transfer data as detailed in the Federation and schools ICT policy.
- 12.7.8 **Photographs and Digital Images:** (including video). We use photographs and digital images for a variety of purposes across the Federation and schools, these include, but are not limited to:
- Capturing development and progress in learning
 - Federation and schools prospectuses and other publications focussed on promoting the Federation and schools
 - Assemblies and celebration events
 - Sports day
 - School performances
 - Social Media
 - Trips and residential outings
- 12.8 Where images of children or staff are used in public areas or made available online via publication on the Federation and schools website, the Federation and schools will always seek consent before images are published.
- 12.9 The Federation and schools shall, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures designed to implement Data Protection principles and to integrate the necessary safeguards into processing activities.
- 12.10 The Federation and schools shall implement appropriate technical and organisational measures for ensuring that, by default, only Personal Data which are necessary for each specific purpose of the processing are processed.
- 12.11 Remote Learning Security
- 12.11.1 For the statutory requirement that Federation and schools provides access to remote education, only approved software services will be used that provide the necessary standards of security and data protection compliance.
Where the Federation and schools administer and manage software services it will do so as the Data Controller and will manage the terms of licence agreements in accordance with its data protection responsibilities.
Staff should first consider any implications for the operation of Federation and schools safeguarding practices when using video conferencing.
- 12.11.2 The Federation, schools and staff will:
- Minimise data used in the administration of pupil accounts

- Ensure that the children in our care are safe and educate them in ways of staying safe online
- Ensure the approach to remote education will give full consideration to and not limited to e-safety, ICT acceptable use, remote learning, safeguarding and data protection policies

12.12 Artificial Intelligence (AI)

12.12.1 The Federation, schools and staff ensure the responsible and ethical use of artificial intelligence technologies and acknowledge the importance of adhering to associated policies, including but not limited to the Technology Policy and Data Protection Policy. Any breach of this Policy by Federation and school staff may result in disciplinary or other action.

12.12.2 Data protection principles and best practice will be fully considered and applied in the Federation and schools use of AI-powered systems and tools involving the processing of personal data of its data subjects to ensure necessary measures are taken on data security and compliance with legislation to safeguard privacy.

12.12.3 Only approved software services will be used that provide the necessary standards of security and data protection compliance. Where the Federation and schools administer and manage software services it will do so as the Data Controller and will manage the terms of licence agreements and contracts in accordance with its data protection responsibilities.

12.12.4 The Data Protection Officer should be consulted if the sharing of pupil or staff data is necessary for the use of an AI platform or tool (this can include the registration and management of user accounts, or the supply of data teaching and learning delivery, pupil work or assessment and analysis)

12.12.5 The Federation, schools / staff will:

- ensure that the products and procedures comply with data protection legislation and existing data privacy policies
- select software providers who demonstrate a commitment to data privacy and security best practices and periodically review the security posture of external providers
- review or conduct privacy impact assessments as necessary
- protect personal and special category data in accordance with legislation
- anonymise and protect personal data used by AI systems, no data entered should be identifiable
- implement measures to minimise risk, misuse of data or data breaches
- ensure data subjects understand what data is being processed using AI tools being open and transparent
- not allow or cause intellectual property, including pupils' work, to be used to train generative AI models, without appropriate consent or exemption to copyright
- review and strengthen cyber security as necessary due to generative AI increasing the credibility of attack
- ensure the children in our care are safe and educate them in ways of staying safe to protect pupils and students online

- ensure the approach to AI will give full consideration to and not limited to the Federation and schools Technology, E-safety, ICT acceptable use, remote learning, safeguarding and data protection policies
- review AI usage, data handling practices, and compliance with relevant laws and regulations as part of routine audit assessments

13 REGISTER OF PROCESSING ACTIVITIES

13.1 The Federation and schools must maintain an accurate and up-to-date Information Asset Register of processing activities carried out by the Federation and schools.

13.2 The Federation and schools must record the following information for each processing activity:

13.2.1 The contact details for the Federation and schools and its Data Protection Officer;

13.2.2 The purpose or purposes for which the processing activity has occurred;

13.2.3 Descriptions of the categories of individuals involved in the processing activity;

13.2.4 Descriptions of the categories of Personal Data involved in the processing activity;

13.2.5 Descriptions of the categories of recipients of the Personal Data involved in the processing activity;

13.2.6 Details of any transfers to third parties, including documentation of the transfer mechanism safeguards in place;

13.2.7 Retention schedules;

13.2.8 Descriptions of technical and organisational security measures in place relating to the processing activity.

13.3 It is the responsibility of all staff, to notify the Data Protection Officer of any changes that affect the use of Personal Data to ensure that the register of processing activities is accurate and kept up to date.

14 REGISTER OF BREACHES

14.1 The Federation and schools must maintain an accurate and up-to-date register of all Personal Data Breaches. A concern form is appended (**Appendix A**) to assist staff begin to log an incident or potential incident.

14.2 If anyone becomes aware of a Data Protection breach they must inform the Data Protection Officer immediately. A plan for managing Data Breaches will be made available to all staff.

15 DATA PROTECTION OFFICER

15.1 The Data Protection Officer is responsible for supporting the Federation and schools in compliance with Relevant Data Protection Law and with this Policy. The Data

Protection Officer reports to the Federation and schools Headteacher and Management Committee, but fulfils their Data Protection functions independently.

- 15.2 The Data Protection Officer for the Federation and schools is provided by Services4schools Ltd and can be contacted at mvlahakis@cadmusschools.co.uk or by writing to Cadmus family of school's c/o Leighswood Childcare Centre, Broadmeadow, Aldridge, Walsall, WS9 8FY. Please address letters: For the attention of the Data Protection Officer.
- 15.3 Any questions about the operation of this Policy or any concerns that the Policy has not been followed should be referred in the first instance to the Data Protection Officer.
- 15.4 Where a Personal Data Breach has occurred, it will be for the Data Protection Officer to decide whether, under the circumstances and in accordance with Relevant Data Protection Law, the individual concerned must be informed of the breach.

16 USING DATA PROCESSORS

- 16.1 The Federation and schools retains the right to engage by written contract any person or organisation, who is not a member of Federation and schools staff, to process Personal Data on our behalf.
- 16.2 Data Processors must:
 - 16.2.1 Assist the Federation and schools in upholding individuals' Data Protection rights;
 - 16.2.2 Only act in accordance with the Federation and schools instructions and authorisation;
 - 16.2.3 Maintain a written record of processing activities carried out on behalf of the Federation and schools and provide this within [a reasonable period] following request;
 - 16.2.4 Notify the Federation and schools of Personal Data Breaches without undue delay and maintain a register of breaches in accordance with Paragraph 13;
 - 16.2.5 Comply at all times with the terms of any agreements with the Federation and schools and with their responsibilities under Relevant Data Protection Law;
 - 16.2.6 Satisfy the Federation and schools, within a reasonable period following request, of their compliance with the provisions of Paragraph 12.4.4.

17 TRANSFERRING PERSONAL DATA TO A COUNTRY OUTSIDE THE UK

- 17.1 Individuals have particular rights with regard to transfers of their Personal Data outside the UK. Circumstances in which the Federation and schools may need to transfer data outside the UK might include use of IT services hosted overseas, arrangement and administration of Federation and schools trips and cultural exchange projects.
- 17.2 Subject to the requirements in Paragraph 12.1 above, Personal Data we hold may also be processed by staff operating outside the UK who work for us or for one of our suppliers. Those staff may be engaged, among other things, in the processing of payment details and the provision of support services.

- 17.3 We may transfer any Personal Data we hold to a country outside the UK provided that:
 - 17.3.1 The transfer to the country or countries in question is permitted by Relevant Data Protection Law; and
 - 17.3.2 Any transfer to a country or countries outside the UK is subject the escalation procedure under Paragraph 17.4.

- 17.4 Before a transfer of Personal Data is made outside the UK, the following safeguards must be provided to ensure that the rights of Data Subjects and effective legal remedies for Data Subjects are available:
 - 17.4.1 Confirmation by implementing act by the UK of the adequacy of the level of protection afforded by the relevant third country;
 - 17.4.2 Standard Data Protection Paragraphs adopted by the UK Commission in accordance with Relevant Data Protection Law must be included in relevant documentation;
 - 17.4.3 Confirmation that the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject;
 - 17.4.4 Confirmation that the transfer is necessary for important reasons of public interest;
 - 17.4.5 The Data Protection Officer must authorise the transfer.

18 **DISCLOSURE AND SHARING OF PERSONAL INFORMATION**

- 18.1 We may share Personal Data we hold with staff within the Federation and schools.
- 18.2 We may also disclose Personal Data we hold to third parties:
 - 18.2.1 If we are under a duty to disclose or share an individual's Personal Data in order to comply with any legal obligation.
 - 18.2.2 In order to enforce or apply any contract with the individual or other agreements; or
 - 18.2.3 To protect our rights, property, or safety of our employees, customers, or others. This includes exchanging information with other companies and organisations for the purposes of child welfare and fraud protection.
- 18.3 We may also share Personal Data we hold with selected third parties for the purposes set out in the Federation and schools Information Asset Register.

19 **REQUESTS FOR INFORMATION**

- 19.1 Requests for information may take the following forms:
 - 19.1.1 Requests for education records.
 - 19.1.2 Freedom of information requests.
 - 19.1.3 Subject access requests.
- 19.2 Where a person with parental responsibility requests information about a child's educational records, then advice should be sought from the Data Protection Officer. Requests should be submitted in writing. Valid requests will be completed within 15

Federation and schools days.

- 19.3 If a person makes a request for information under the Freedom of Information Act, then the information should usually be provided unless there are some specific concerns about disclosing the information. Common concerns in the Federation and schools context may be that information relates to other people, is confidential or legally privileged. If a freedom of information request is made and there are any concerns about disclosing information, then the Data Protection Officer should be contacted. Requests should be submitted in writing. Valid requests will be completed within 20 Working (school) Days.
- 19.4 If a person makes a subject access request, then they are requesting the personal information that the Federation and schools has about them. There are exemptions to disclosing some information but these are more limited as a person has a right to know what information is held on them. If a subject access request is made, then the Data Protection Officer should be contacted immediately. Requests should be submitted in writing. Valid requests will be completed within 1 calendar month.

Further details and a request form is appended (**Appendix B**).

20 CHANGES TO THIS POLICY

We reserve the right to change this Policy at any time. This Policy will be published on the Federation and school's website.

APPENDIX A

GDPR Concern Record

Name of Person Involved / Position		Name of person completing form:		Date:
Name:		Name:		Time:
Position:		Position:		Location:
				Device:
Category (highlight ONE box only)				
Password Breach	Data Breach	Data Threat	Data Loss	
Data Breached (highlight all that apply and give details)				
Personal Identifier details				
Health, SEN or Safeguarding details				
Financial details				
System / applications account details				
Other details				

Notes of Concern: (What took place and when? Who does it affect? Details of data compromised? What was said? What action has already been taken? if appropriate)			
	By Whom	Date & Time	Details
Federation and schools informed Yes/No			
Data Controller informed Yes/No			
DPO Informed Yes/No			
To be monitored Yes/No			
Further Actions Yes/No			

APPENDIX B

Subject Access Requests

Under Data Protection Law, data subjects have a general right to find out whether the Federation and schools hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access or the right to make a data subject access request (SAR).

How to Recognise a Subject Access Request

A data subject access request is a request from an individual (or from someone acting with the authority of an individual, e.g., a solicitor or a parent making a request in relation to information relating to their child):

- for confirmation whether the Federation and schools process personal data about him or her and, if so
- for access to that personal data
- and/or certain other supplementary information

A valid SAR can be both in writing (letter / email) or verbally (e.g., during a telephone conversation). The request may refer to the UK GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so in order to be a valid request. For example, a letter which states 'please provide me with a copy of information that the Federation and schools hold about me' would constitute a data subject access request and should be treated as such. A data subject is generally only entitled to access their own personal data and not information relating to other people.

What to do When You Receive a Data Subject Access Request

All data subject access requests should be immediately directed to the Headteacher who should contact S4S DPO in order to assist with the request and what is required. There are limited timescales within which the Federation and schools must respond to a request and any delay could result in failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual.

Verifying the Identity of a Requester or Requesting Clarification of the Request

Before responding to a SAR, the Federation and schools will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward. The Federation and schools is entitled to request additional information from a requester in order to verify whether the requester is in fact who they say they are. Where the Federation and schools has reasonable doubts as to the identity of the individual making the request, evidence of identity may be established by production of a passport, driving license, a recent utility bill with current address, birth/marriage certificate, credit card or a mortgage statement.

If an individual is requesting a large amount of data the Federation and schools may ask the requester for more information for the purpose of clarifying the request, but the requester shall never be asked why the request has been made. The Federation and schools shall let the requestor know as soon as possible where more information is needed before responding to the request.

In both cases, the period of responding begins when the additional information has been received. If the Federation and schools do not receive this information, they will be unable to comply with the request.

Requests Made by Third Parties or on Behalf of Children

The Federation and schools need to be satisfied that the third party making the request is entitled to act on behalf of the individual, but it is the third party's responsibility to provide evidence of this entitlement. This might be a written signed form of authority to make the request. The Federation and schools may also require proof of identity in certain circumstances.

When requests are made on behalf of children, it is important to note that even if a child is too young to understand the implications of subject access rights, it is still the right of the child, rather than of anyone else such as a parent or guardian, to have access to the child's personal data. Before responding to a SAR for information held about a child, the Federation and schools should consider whether the child is mature enough to understand their rights. If the Federation and schools is confident that the child can understand their rights, then the Federation and schools should usually respond directly to the child or seek their consent before releasing their information.

It shall be assessed if the child is able to understand (in broad terms) what it means to make a subject access request and how to interpret the information they receive as a result of doing so. When considering borderline cases, it should be taken into account, among other things:

- the child's level of maturity and their ability to make decisions like this;
- the nature of the personal data;
- any court orders relating to parental access or responsibility that may apply;
- any duty of confidence owed to the child or young person;
- any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if for safeguarding cases;

- any detriment to the child or young person if individuals with parental responsibility cannot access this information; and
- any views the child or young person has on whether their parents should have access to information about them.

Generally, a person aged 12 years or over is presumed to be of sufficient age and maturity to be able to exercise their right of access, unless the contrary is shown. In relation to a child 12 years of age or older, then provided that the Federation and schools is confident that they understand their rights and there is no reason to believe that the child does not have the capacity to make a request on their own behalf, the Federation and schools will require the written authorisation of the child before responding to the requester or provide the personal data directly to the child.

The Federation and schools may also refuse to provide information to parents if there are consequences of allowing access to information – for example, if it is likely to cause detriment to the child.

Fee for Responding to a SAR

The Federation and schools will usually deal with a SAR free of charge. Where a request is considered to be manifestly unfounded or excessive a fee to cover administrative costs may be requested. If a request is considered to be manifestly unfounded or unreasonable the Federation and schools will inform the requester why this is considered to be the case and that the Federation and schools will charge a fee for complying with the request.

A fee may also be requested in relation to repeat requests for copies of the same information. In these circumstances a reasonable fee will be charged taking into account the administrative costs of providing the information.

If a fee is requested, the period of responding begins when the fee has been received.

Time Period for Responding to a SAR

The Federation and schools has one calendar month to respond to a SAR from the day that the request was received or from the day when any additional identification or other information requested is received, or payment of any required fee has been received.

The period for response may be extended by a further two calendar months in relation to complex requests. What constitutes a complex request will depend on the particular nature of the request. The DPO must always be consulted in determining whether a request is sufficiently complex as to extend the response period. Federation and schools will need to notify the requester within one calendar month of receiving the request with reasons as to why an extension is considered necessary.

The Federation and schools may not be able to respond to requests received during or just before Federation and schools closure periods within the one calendar month response period. The Federation and schools will endeavour to comply with requests as soon as possible and will keep in communication with you as far as possible. If your request is urgent, please provide your request during term times and not during or close to closure periods.

Additional Considerations for Disclosure

The Federation and schools can refuse to comply with a request if the request is manifestly unfounded or excessive, taking into account whether the request is repetitive in nature.

In certain circumstances the Federation and schools may be exempt from providing some or all of the personal data requested as set out in legislation. The DPO will be consulted to determine and document the application of an exemption.

To protect third parties, the Federation and schools will consider whether it is possible to redact information so that this does not identify those third parties. If their data cannot be redacted (for example, after redaction it is still obvious who the data relates to) then the Federation and schools in most cases is not permitted to disclose to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information.

Subject Access Request Form

This is for any person who wishes to apply for access to personal data held by the Federation and schools. It is not a mandatory form but this will help the timely processing of requests. Guidance on requests is detailed in this policy above.

The Federation and schools will charge for a SAR when made excessively or repetitively.

Section 1

Please fill in the details of the data subject (i.e., the person whose data you are requesting). If you are not the data subject and you are applying on behalf of someone else, please fill in the details of the data subject below and not your own.

Title	
Surname/Family Name	
First Name(s)/ Forename	
Date of Birth	
Address	
Post Code	
Phone Number	
Email address	

If your identity is known to the Federation / schools and we can verify it with the data we already hold then no identification is required at this stage and will be requested if needed.

I am enclosing two pieces of identification from the following (please tick the relevant box):

- Birth/marriage certificate
- Driving licence
- Passport
- An official letter / Utility Bill to my address
- Credit card or a mortgage statement
- Foreign National Identity Card

Employment records:

If you are, or have been employed by the Federation / schools please provide details of your staff number, role, team, dates of employment etc.

Details:

Section 2

Please complete this section of the form with your details if you are acting on behalf of someone else (i.e., the data subject).

If you are **NOT** the data subject, but a representative, you will need to provide evidence of your identity as well as that of the data subject and proof of your right to act on their behalf.

Title	
Surname/ Family Name	
First Name(s)/Forenames	
Date of Birth	
Address	
Post Code	

Phone Number	
Email address	

If your identity is known to Federation / schools and we can verify it with the data we already hold then no identification is required at this stage and will be requested if needed.

I am enclosing two pieces of identification from the following (please tick the relevant box):

- Birth/marriage certificate
- Driving licence
- Passport
- An official letter / Utility Bill to my address
- Credit card or a mortgage statement
- Foreign National Identity Card

What is your relationship to the data subject? (e.g., parent, carer, legal representative)

I am enclosing the following copy as proof of legal authorisation to act on behalf of the data subject:

- Letter of authority
- Lasting or Enduring Power of Attorney
- Evidence of parental responsibility
- Other (give details):

If you are a parent / carer and your identity is known to Federation / schools and we can verify it with the data we already hold then no proof is required at this stage and will be requested if needed.

Section 3

Please describe as much as possible what data you request access to (e.g. types of records, categories of data and time period).

I wish to:

- Receive the information by post*
- Receive the information by email (*which may include a secure file or link to records*)
- Collect the information in person

*Please ensure you have provided the correct details and we will take every care to ensure that it is addressed correctly. Post will be sent via the Royal Mail Special Delivery. Federation and schools cannot be held liable if the information is lost in the post or incorrectly delivered or opened by someone else in your household.

Please send your completed form and proof of identity if necessary by email to: mvlahakis@cadmusschools.co.uk

Signed:



Print: Mr Max Vlahakis

Date: 25th March 2025

Chief Operating Officer