



Felsted

# DATA PROTECTION POLICY

COVERING BOTH SCHOOLS  
INCLUDING EYFS AND BOARDING

|  |                      |
|--|----------------------|
| <b>Governors' Committee normally reviewing:</b>      | Governance Committee |
| <b>Date last formally approved by the Governors:</b> | Summer 2019          |
| <b>Date policy became effective:</b>                 | November 2009        |

|                          |             |
|--------------------------|-------------|
| <b>Period of Review:</b> | Annual      |
| <b>Next Review Date:</b> | Summer 2020 |

|  |  |
|--|--|
| <b>Person responsible for implementation and monitoring:</b> | Bursar<br>Compliance Manager   |
| <b>Other relevant policies:</b>                              | <ul style="list-style-type: none"><li>● Record Keeping Policy</li><li>● Social Media Policy</li><li>● E-Safety and Computer Usage Policy</li><li>● Taking, Storing and Using Images of Pupils Policy</li><li>● Privacy Notice for Pupils</li><li>● Privacy Notice for Parents</li><li>● Privacy Notice for Staff</li><li>● Privacy Notice for Advancement Activity</li></ul> |

**The following Policy encompasses the Aims and Ethos of the Preparatory School and the Senior School**

**Mr Simon James  
Head, Preparatory School**

**Mr Chris Townsend  
Head, Senior School**

**[Aims and Ethos](#)**

***SAFEGUARDING STATEMENT***

***Felsted is committed to maintaining a safe and secure environment for all pupils and a 'culture of vigilance' to safeguard and protect all in its care, and to all aspects of its 'Safeguarding (Child Protection and Staff Behaviour) Policy'.***

***EQUAL OPPORTUNITIES STATEMENT***

***The aims of the School and the principles of excellent pastoral care will be applied to all children irrespective of their race, sex, disability, religion or belief, sexual orientation, gender reassignment or pregnancy or maternity; equally these characteristics will be recognised and respected, and the School will aim to provide a positive culture of tolerance, equality and mutual respect.***

## **1. INTRODUCTION**

1.1. Felsted School (“the School”) collects and uses certain types of personal information about staff, pupils, parents and other individuals who come into contact with the School in order to provide education and associated functions. We are a registered charity, 310870 - Felsted School. In order to carry out our ordinary duties to staff, pupils and parents, we process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of our daily operation and charitable purpose. The School may be required by law to collect and use certain types of information to comply with statutory obligations related to employment, education and safeguarding, and this policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the General Data Protection Regulation (“GDPR”), the Data Protection Act 2018 and other related legislation.

1.2. The GDPR applies to all computerised data and manual files if they come within the definition of a filing system. Broadly speaking, a filing system is one where the data is structured in some way that it is searchable on the basis of specific criteria, so you would be able to use something like the individual’s name to find their information.

1.3. This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed annually.

1.4. This policy applies alongside the Schools Privacy Notices and any other information the School may provide about a particular use of personal data, for example when collecting data.

1.5. This policy also applies in addition to the School's other relevant terms and conditions and policies, including:

- Felsted School Parent Agreement;
- Taking, Storing and Using Images of Pupils Policy;
- Record Keeping Policy;
- E-Safety and Computer Usage Policy; and
- overarching safeguarding, pastoral and health and safety policies;

1.6 Anyone who works for, or acts on behalf of, the School (including staff, volunteers, governors and service providers) is required to be aware of and comply with this policy.

## **2. PERSONAL DATA**

2.1. ‘Personal data’ is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. A sub-set of personal data is known as ‘special category personal data’. This special category data is information that reveals:

- 2.1.1. race or ethnic origin;
- 2.1.2. political opinions;
- 2.1.3. religious or philosophical beliefs;
- 2.1.4. trade union membership;
- 2.1.5. physical or mental health;

- 2.1.6. an individual's sex life or sexual orientation;
- 2.1.7. genetic or biometric data for the purpose of uniquely identifying a natural person.

2.2. Special Category Data is given special protection, and additional safeguards apply if this information is to be collected and used.

2.3. Information relating to criminal convictions shall only be held and processed where there is legal authority to do so.

2.4. The School does not intend to seek or hold Special Category Data (previously known as sensitive personal data) about staff or students except where the School has been notified of the information, or it comes to the School's attention via legitimate means (e.g. a grievance) or needs to be sought and held in compliance with a legal obligation or as a matter of good practice. Staff or students are under no obligation to disclose to the School their race or ethnic origin, political or religious beliefs, whether or not they are a trade union member or details of their sexual life, save to the extent that details of marital status and/or parenthood are needed for other purposes, e.g. pension entitlements.

### **3. THE DATA PROTECTION PRINCIPLES**

3.1. The six data protection principles as laid down in the GDPR are followed at all times:

3.1.1. personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met;

3.1.2. personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes;

3.1.3. personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed;

3.1.4. personal data shall be accurate and, where necessary, kept up to date;

3.1.5. personal data processed for any purpose(s) shall not be kept in a form which permits identification of individuals for longer than is necessary for that purpose/those purposes;

3.1.6. personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

3.2. In addition to this, the School is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law.

3.3. The School is committed to complying with the principles in 3.1 at all times. This means that the School will:

3.3.1. inform individuals about how and why we process their personal data through the privacy notices which we issue;

3.3.2. be responsible for checking the quality and accuracy of the information;

3.3.3. regularly review the records held to ensure that information is not held longer than is necessary, and that it has been held in accordance with the Record Keeping Policy;

3.3.4. ensure that when information is authorised for disposal it is done appropriately;

3.3.5. ensure appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security requirements at all times;

3.3.6. share personal information with others only when it is necessary and legally appropriate to do so;

3.3.7. set out clear procedures for responding to requests for access to personal information known as subject access requests;

3.3.8. report any breaches of the GDPR in accordance with the procedure in paragraph 16 below.

#### **4. CONDITIONS FOR PROCESSING IN THE FIRST DATA PROTECTION PRINCIPLE**

4.1. The individual has given consent that is specific to the particular type of processing activity, and that consent is informed, unambiguous and freely given.

4.2. The processing is necessary for the performance of a contract, to which the individual is a party, or is necessary for the purpose of taking steps with regards to entering into a contract with the individual, at their request.

4.3. The processing is necessary for the performance of a legal obligation to which we are subject.

4.4. The processing is necessary to protect the vital interests of the individual or another.

4.5. The processing is necessary for the performance of a task carried out in the public interest, or in the exercise of official authority vested in us.

4.6. The processing is necessary for a legitimate interest of the School or that of a third party, except where this interest is overridden by the rights and freedoms of the individual concerned.

#### **5. USE OF PERSONAL DATA BY THE SCHOOL**

5.1. The School processes personal data on pupils, staff and other individuals such as visitors. In each case, the personal data must be treated in accordance with the data protection principles as outlined in paragraph 3.1 above.

##### **Pupils and Parents**

5.2. The personal data held regarding pupils and parents is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate

pastoral care, and to assess how well the School as a whole is doing, together with any other uses normally associated with this provision in a school environment, including:

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training, spiritual development, career services, extra-curricular activities to pupils and monitoring pupils' progress and educational needs;
- Maintaining relationships with parents, pupils and the wider School community;
- To secure funding for the School or on behalf of individual pupils, for the purposes of donor due diligence and to confirm the identity of prospective donors and their background and relevant interests;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law, market analysis and assessing pupil, parent and alumni satisfaction;
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's E-Safety and Computer Usage Policy and Social Media Policy;
- To make use of photographic images of pupils in school publications, on the School website and (where appropriate) on the School's social media channels in accordance with the School's policy on taking, storing and using images of children;
- For safety and security purposes, including CCTV and the school fob operated access system, in accordance with the Information Commissioner's Office (ICO) Code of Practice;
- For maintenance of historic archive; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the school.

## **Staff**

5.3. The personal data of staff is used for the purposes of:

- Staff recruitment and appointment, including statutory recruitment checks and to confirm the identity of prospective staff. The data is used to comply with legal obligations placed on the School in relation to employment, and the education of children in a school environment. The School may pass information to other regulatory authorities where appropriate;
- Staff employment, including contract information (such as start date, hours worked, post, roles and salary information), work absence information (such as number of absences and reasons), payroll information (including bank account details) and special category personal data (such as medical information and ethnic group);
- The School may use names and photographs of staff in publicity and promotional material;
- To give a confidential reference relating to a worker before or after resignation, for the purposes of their taking up employment elsewhere;
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law such as diversity or gender pay gap analysis and taxation records, labour market analysis and staff satisfaction.

5.4. Staff should note that information about disciplinary action or safeguarding matters (as per the School's Safer Recruitment Policy) may be kept for longer than the duration of the sanction. Although treated as "spent" once the period of the sanction has expired, the details of the incident may need to be kept for a longer period.

### **Keeping in Touch and Supporting the School**

5.5. The data of parents, alumni and other members of the School community are used to keep our supporters updated about the activities of the School, or alumni and parent events of interest, including by sending updates and newsletters, by email and by post. Having obtained consent from the individual (where necessary) and unless the relevant individual objects, the School may also:

- Share personal data, as appropriate, with organisations set up to help establish and maintain relationships with the School community, such as the Old Felstedian Society and associated clubs, societies and associations;
- Contact parents, alumni, former staff, former parents, governors and well-wishers (including via the organisations above), by post, e-mail, SMS, telephone, social media in order to promote and raise funds for the School's charitable purposes in accordance with the Fundraising Regulator's Code of Practice;
- Undertake due diligence to safeguard the reputation of the School in the case of significant financial transactions.

5.6. Where identified the School will provide reasonable adjustments to communications with vulnerable individuals in accordance with their, or their carer's instruction. The School respects donors requests to remain anonymous and to not be listed in publications, on benefactors lists or in general communications

### **Other Individuals**

5.7. The School may hold personal information in relation to other individuals who have contact with the School, such as volunteers and guests. Such information shall be held only in accordance with the data protection principles, and shall not be kept longer than necessary.

5.8. Personal data will be used for the purposes of supporting Felsted and the local community, providing opportunities for educational events and for school facilities to be used whenever possible, including:

- Felsted Almshouse Charity
- Felsted Swimming Club
- The Hunt Theatre
- Felsted Gym
- Venue Hire

## **6. TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL**

6.1. By way of example the types of personal data processed by the School include:

- names, addresses, date of birth, telephone numbers, e-mail addresses and other contact details;
- bank details and other financial information, e.g. about parents who pay fees to the school and staff payroll information;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records, including information about any special needs, and examination scripts and marks;

- logs of concerns, bullying and complaints, as required by the Independent School Standards Regulations;
- staff details including employment history, absence records, disciplinary and grievance records, performance review, training details, information relating to career progression, photographs, maternity and paternity and adoption leave;
- where appropriate, information about individuals' health, and contact details for their next of kin;
- references given or received by the school about pupils or staff, and information provided by previous educational or employment establishments and/or other professionals or organisations working with pupils or staff;
- images of pupils (and occasionally other individuals including pupils from other schools) engaging in school activities including for the purpose of analysing education and/or sport performance;
- images captured by the school's CCTV system in accordance are used in accordance with the Information Commissioner's Office (ICO) Code of Practice and the School's policy on taking, storing and using images of children;
- other data held for the purposes of the School's development and alumni relations as set out in the Privacy Notice for Advancement Activity; and
- car details for those who use our car parking facilities.

### **Special Category Data**

6.2. In addition, the School may need to process **special category personal data** (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required.

## **7. HOW THE SCHOOL COLLECTS DATA**

7.1. The School receives personal data from the individual directly, including in the case of pupils, from their parents.

7.2. For pupils this is via the data collection process prior to admission, or in the ordinary course of interaction or communication such as email, written assessments or trip permission.

7.3. For staff this is via the online application system Vacancy Filler at the point of application, the New Employee Pack on appointment and ongoing as necessary throughout employment at the School.

7.4 For the School's Advancement activity information is collected directly from the individual through various points including the Data Collection Form, Management Information System (MIS), leavers form, online registration, events, when making donations, alumni update forms, verbally via telephone or personal meetings, from contact within the community, general correspondence and social media closed groups such as LinkedIn, Felsted Network Graduway and Facebook. Information may also be collected from publicly available sources in order to maximise the School's fundraising potential.

7.5. For other activities, including those for the wider community, personal data is received directly from the individuals via a data collection or registration process.

7.6. In some cases personal data may be supplied by third parties, for example another school, or other professionals or authorities working with that individual.

## **8. THE LAWFUL BASIS ON WHICH THE SCHOOL USES INFORMATION**



8.1. The School's primary condition for use of personal data is made in accordance with the School's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals.

8.2. In addition the School's processing is lawful because:

- The processing is necessary for the performance of an employment contract;
- The processing is necessary for the performance of a legal obligation to which the School is subject, for example our legal duty to safeguard pupils;
- The processing is necessary to protect the vital interests of others, i.e. to protect pupils from harm;
- The processing is necessary for the performance of the School's education function which is a function in the public interest.

8.3. The School will not usually need consent to use information apart from as detailed in the School's Taking, Storing and Using Images Policy and the School's Privacy Notices. However, if at any time the School will use personal data in a way which means consent is required this will be requested. If an individual gives their consent, they may change their mind at any time.

8.4. When the School collects personal information it will be made clear whether there is a legal requirement to provide it, and whether there is a legal requirement on the School to collect it. If there is no legal requirement then the School will explain why it is needed and what the consequences are if it is not provided.

8.5. If at any time the School wishes to use personal data in a way that requires an individual's consent, this will be explained to any individuals concerned and positive opt in consent will be requested. Individuals always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School may need nonetheless to retain some details, not least to ensure that no more communications are sent to that particular address, email or telephone number.

## **9. SECURITY OF PERSONAL DATA**

9.1. The School will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this Policy and their duties under the GDPR. The School will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

9.2. For further details as regards security of IT systems, please refer to the E-safety and Computer Usage Policy.

## **10. DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

10.1 For the most part, personal data collected by the School will remain within the School, and will be processed by appropriate individuals only in accordance with access protocols and on a 'need to know' basis. Particularly strict rules of access apply in the context of:

- medical records, held and accessed by the Medical Centre/Staff and any teaching and pastoral or resident staff that need to be aware in order to provide necessary care for the pupil;
- pastoral or safeguarding files held by the Designated Safeguarding Leads.

10.2. Occasionally, the School will need to share personal information relating to our community with third parties. The following list includes the most usual reasons that the School will authorise disclosure of personal data to a third party:

10.2.1. To give a confidential reference relating to a current or former employee, volunteer or pupil;

10.2.2. For the prevention or detection of crime;

10.2.3. For the assessment of any tax or duty;

10.2.4. Where it is necessary to exercise a right or obligation conferred or imposed by law upon the School (other than an obligation imposed by contract);

10.2.5. For the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);

10.2.6. For the purpose of obtaining legal advice;

10.2.7. For research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress);

10.2.8. To publish the results of public examinations or other achievements of pupils of the School;

10.2.9. To disclose details of a pupil's medical condition where it is in the pupil's interests to do so and there is a legal basis for doing so, for example for medical advice, insurance purposes or to organisers of school trips. The legal basis will vary in each case but will usually be based on explicit consent, the vital interests of the child, or reasons of substantial public interest (usually safeguarding the child or other individuals);

10.2.10. To provide information to another educational establishment to which a pupil is transferring, including to notify it of any outstanding fees;

10.2.11. To provide information to the Examination Authority as part of the examination process;

10.2.12. To provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the Government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE: and

10.2.13. keep the pupil's previous school informed of his/her academic progress and achievements e.g. sending a copy of the school reports for the pupil's first year at the School to their previous school.

10.3. A certain amount of any SEN pupil's relevant information is provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

10.4. Staff, pupils and parents are reminded that the School is under duties imposed by law and statutory guidance, including Keeping Children Safe in Education, to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This may include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities such as the Local Authority Designated Officer (LADO) or police. For further information about this, please view the School Safeguarding (Child Protection and Staff Behaviour) Policy.

10.5. In accordance with Data Protection Law, some of the School's processing activity is carried out on its behalf by third parties, such as IT software systems, web developers, cloud storage providers, mailing services, occupational health and a DBS umbrella body. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions, with data sharing agreements in place where appropriate.

10.6. For pupils introduced to the School by an international agent, the School has signed agent agreements in place.

10.7. The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government Departments or agencies strictly for statistical or research purposes.

10.8. The School may receive requests from third parties (i.e. those other than the data subject, the School, and employees of the School) to disclose personal data it holds about pupils, their parents or guardians, staff or other individuals. This information will not generally be disclosed unless one of the specific exemptions under data protection legislation which allow disclosure applies; or where necessary for the legitimate interests of the School or the third party to which the information will be disclosed, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject.

10.9. All requests for the disclosure of personal data must be sent to the Compliance Manager, who will review and decide whether to make the disclosure, ensuring that reasonable steps are taken to verify the identity of that third party before making any disclosure.

## **11. HOW LONG THE SCHOOL WILL KEEP PERSONAL DATA**

11.1 The School retains personal data securely and in line with how long it is necessary to keep for a legitimate and lawful reason. Typically, the legal recommendation for how long to keep ordinary staff and pupil personnel files is up to 7 years following departure from the school or when the pupil reaches age 25. However, incident reports and safeguarding files need to be kept much longer, in accordance with specific legal requirements. The School's Record Keeping Policy provides more information on the records stored and how long for.

## **12. CONFIDENTIALITY OF PUPIL CONCERNS**

12.1. Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or

where the School believes disclosure will be in the best interests of the pupil or other pupils as per the School's Safeguarding (Child Protection and Staff Behaviour) Policy.

### **13. SUBJECT ACCESS REQUESTS**

13.1. Anybody who makes a request to see any personal information held about them by the School is making a subject access request. All information relating to the individual, including that held in electronic or manual files should be considered for disclosure, provided that they constitute a "filing system" (see clause 1.2).

13.2 The individual's full subject access right is to know:

- whether personal data about him or her are being processed
- the purposes of the processing
- the categories of personal data concerned
- the recipients or categories of recipient to whom their personal data have been or will be disclosed
- the envisaged period for which the data will be stored or where that is not possible, the criteria used to determine how long the data are stored
- the existence of a right to request rectification or erasure of personal data or restriction of processing or to object to the processing
- the right to lodge a complaint with the Information Commissioner's Office
- where the personal data are not collected from the individual, any available information as to their source
- details of the safeguards in place for any transfers of their data to locations outside the European Economic Area

13.3. All requests should be sent to the Compliance Manager within 3 working days of receipt, and must be dealt with in full without delay and at the latest within one month of receipt.

13.4. Where a child or young person does not have sufficient understanding to make his or her own request (usually those under the age of 12, or over 12 but with a special educational need which makes understanding their information rights more difficult), a person with parental responsibility can make a request on their behalf. The Compliance Manager and the Bursar must, however, be satisfied that:

13.4.1. the child or young person lacks sufficient understanding; and

13.4.2. the request made on behalf of the child or young person is in their interests.

13.5. Any individual, including a child or young person with ownership of their own information rights, may appoint another person to request access to their records. In such circumstances the School must have written evidence that the individual has authorised the person to make the application and the Compliance Manager must be confident of the identity of the individual making the request and of the authorisation of the individual to whom the request relates.

13.6. Access to records will be refused in instances where an exemption applies, for example, information sharing may place the individual at risk of significant harm or jeopardise police investigations into any alleged offence(s).

13.7. A subject access request must be made in writing. The School may ask for any further information reasonably required to locate the information.

13.8. An individual only has the automatic right to access information about themselves, and care needs to be taken not to disclose the personal data of third parties where consent has not been given, or where seeking consent would not be reasonable, and it would not be appropriate to release the information. Particular care must be taken in the case of any complaint or dispute to ensure confidentiality is protected.

13.9. All files must be reviewed by the Compliance Manager and the Bursar before any disclosure takes place. Access will not be granted before this review has taken place.

13.10. Where all the data in a document cannot be disclosed a permanent copy should be made and the data obscured or retyped if this is more sensible. A copy of the full document and the altered document should be retained, with the reason why the document was altered.

#### **14. EXEMPTIONS TO ACCESS BY DATA SUBJECTS**

14.1. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is likely to be exempt from disclosure unless the privilege is waived.

14.2. There are other exemptions from the right of subject access. If we intend to apply any of them to a request then we will usually explain which exemption is being applied and why.

#### **15. OTHER RIGHTS OF INDIVIDUALS**

15.1. The School has an obligation to comply with the rights of individuals under the law, and takes these rights seriously. The following section sets out how the School will comply with the rights to:

15.1.1. object to processing;

15.1.2. rectification;

15.1.3. erasure; and

15.1.4. data portability.

##### **Right to object to processing**

15.2. An individual has the right to object to the processing of their personal data on the grounds of pursuit of a public interest or legitimate interest (grounds 4.5 and 4.6 above) where they do not believe that those grounds are adequately established.

15.3. Where such an objection is made, it must be sent to the Compliance Manager within 2 working days of receipt, and the Compliance Manager will assess whether there are compelling legitimate grounds to continue processing which override the interests, rights and freedoms of the individuals, or whether the information is required for the establishment, exercise or defence of legal proceedings.

15.4. The Compliance Manager shall be responsible for notifying the individual of the outcome of their assessment within 21 term time days of receipt of the objection.

## **Right to rectification**

15.5. An individual has the right to request the rectification of inaccurate data without undue delay. Where any request for rectification is received, it should be sent to the Compliance Manager within 2 working days of receipt, and where adequate proof of inaccuracy is given, the data shall be amended as soon as reasonably practicable, and the individual notified.

15.6. Where there is a dispute as to the accuracy of the data, the request and reasons for refusal shall be noted alongside the data, and communicated to the individual. The individual shall be given the option of a review under the Complaints Policy and Procedure, or an appeal direct to the Information Commissioner.

15.7. An individual also has a right to have incomplete information completed by providing the missing data, and any information submitted in this way shall be updated without undue delay.

## **Right to erasure**

15.8. Individuals have a right, in certain circumstances, to have data permanently erased without undue delay. This right arises in the following circumstances:

15.8.1. where the personal data is no longer necessary for the purpose or purposes for which it was collected and processed;

15.8.2. where consent is withdrawn and there is no other legal basis for the processing;

15.8.3. where an objection has been raised under the right to object, and found to be legitimate;

15.8.4. where personal data is being unlawfully processed (usually where one of the conditions for processing cannot be met);

15.8.5. where there is a legal obligation on the School to delete.

15.9. The Compliance Manager will make a decision regarding any application for erasure of personal data, and will balance the request against the exemptions provided for in the law. Where a decision is made to erase the data, and this data has been passed to other data controllers, and/or has been made public, reasonable attempts to inform those controllers of the request shall be made.

## **Right to restrict processing**

15.10. In the following circumstances, processing of an individual's personal data may be restricted:

15.10.1. where the accuracy of data has been contested, during the period when the School is attempting to verify the accuracy of the data;

15.10.2. where processing has been found to be unlawful, and the individual has asked that there be a restriction on processing rather than erasure;

15.10.3. where data would normally be deleted, but the individual has requested that their information be kept for the purpose of the establishment, exercise or defence of a legal claim;

15.10.4. where there has been an objection made under paragraph 15.2 above, pending the outcome of any decision.

### **Right to portability**

15.11. If an individual wants to send their personal data to another organisation they have a right to request that the School provides their information in a structured, commonly used, and machine readable format. As this right is limited to situations where the School is processing the information on the basis of consent or performance of a contract, the situations in which this right can be exercised will be quite limited. If a request for this is made, it should be forwarded to the Compliance Manager within 2 working days of receipt, and the Compliance Manager will review and revert as necessary.

## **16. BREACH OF ANY REQUIREMENT OF THE GDPR**

16.1 Any and all breaches of the GDPR, including a breach of any of the data protection principles shall be reported as soon as it is/they are discovered, to the relevant Head (Teaching staff) or the Bursar (Operational staff) and the Compliance Manager

16.2 Once notified, the Compliance Manager shall assess:

16.2.1 the extent of the breach;

16.2.2 the risks to the data subject(s) as a consequence of the breach;

16.2.3 any security measures in place that will protect the information;

16.2.4 any measures that can be taken immediately to mitigate the risk to the individual(s).

16.3 Unless the Compliance Manager and/or the Bursar conclude(s) that there is unlikely to be any risk to individuals from the breach, it must be notified to the Information Commissioner's Office within 72 hours of the breach having come to the attention of the School, unless a delay can be justified.

16.4 The Information Commissioner shall be told:

16.4.1 details of the breach, including the volume of data at risk, and the number and categories of data subjects;

16.4.2 the contact point for any enquiries (which shall usually be the Compliance Manager);

16.4.3 the likely consequences of the breach;

16.4.4 measures proposed or already taken to address the breach.

16.5 If the breach is likely to result in a high risk to the rights and freedoms of the affected individuals then the Compliance Manager shall notify data subjects of the breach without undue delay unless the data would be unintelligible to those not authorised to access it, or measures have been taken to mitigate any risk to the affected individuals.

16.6 Data subjects shall be told:

16.6.1 the nature of the breach;

16.6.2 who to contact with any questions;

16.6.3 measures taken to mitigate any risks.

16.7 The Compliance Manager shall then be responsible for instigating an investigation into the breach, including how it happened, and whether it could have been prevented. Any recommendations for further training or a change in procedure shall be reviewed by the Senior Leadership Team and reported to the Governance Committee.

## **17. CONTACT**

17.1 Any comments or queries on this policy should be directed to the Compliance Manager using the following contact details:

Compliance Manager  
Felsted School  
Felsted  
Essex  
CM6 3LL

Email: [compliance@felsted.org](mailto:compliance@felsted.org)

17.2 If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with Data Protection Law, they should utilise the School Complaints Policy and Procedure and should also notify the Compliance Manager. An individual can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with the School before involving the regulator.