Garlinge and Parkside Schools and Nurseries Federation

Data Protection Policy

School Names	Garlinge Primary School and Nursery Parkside Community Foundation Primary School
Adopted by Governing Board date	24 March 2026
Version control	5
Review date	March 2029

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The Data Protection Act 2018 (DPA), also known as UK GDPR, is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data.

This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the legislation. It will apply to personal information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically.

Policy Objectives

The school as the Data Controller will comply with its obligations under UK GDPR and the DPA. The school is committed to being concise, clear and transparent about how it obtains and uses personal information and will ensure data subjects are aware of their rights under the legislation.

All staff must have a general understanding of the law and understand how it may affect their decisions in order to make an informed judgement about how information is gathered, used and ultimately deleted. All staff must read, understand and comply with this policy.

The Information Commissioner as the Regulator can impose fines of up to £17.5 million for serious breaches of UK GDPR and the DPA, therefore it is imperative that the school and all staff comply with the legislation.

Roles and Responsibilities

To ensure compliance with data protection law and the secure handling of personal data, the following roles carry specific responsibilities:

The Governing Board has overall responsibility for ensuring that the school complies with all relevant data protection obligations. They oversee the effectiveness of this policy and ensure data protection is embedded in the school's culture and governance processes.

The Data Protection Officer (DPO), Alan Martin, is responsible for overseeing the school's data protection strategy and its implementation. The DPO's statutory duties include advising on the school's obligations under data protection law, being involved in all data protection issues, and monitoring compliance—primarily through audits and policy reviews.

The Data Protection Lead is the first point of contact within the school for all data protection issues, subject access requests, and breach reports. They work closely with the DPO to implement audit recommendations and ensure data protection measures are practical and consistently applied throughout the school.

All staff, contractors, and stakeholders are expected to cooperate with the DPO and the Data Protection Lead to support the implementation and maintenance of robust data protection practices.

Scope of the Policy

Personal data is any information that relates to an identified or identifiable living individual who can be identified directly or indirectly from the information. The information includes factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of a living individual. This includes any expression of opinion about an individual and intentions towards an individual. Under the GDPR personal information also includes an identifier such as a name, an identification number, location data or an online identifier.

The school collects a large amount of personal data every year including: pupil records, information about parents/guardians, staff records, names and addresses of those requesting prospectuses, examination marks, references, fee collection as well as the many different types of research data used by the school. In addition, it may be required by law to collect and use certain types of information to comply with statutory obligations of Local Authorities (LAs), government agencies and other bodies.

The Principles

The principles set out in UK GDPR and the DPA must be adhered to when processing personal data:

1. Personal data must be processed lawfully, fairly and in a transparent manner (**lawfulness, fairness and transparency**).
2. Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes (**purpose limitation**).
3. Personal data shall be adequate, relevant and limited to what is necessary in relation to the purpose(s) for which they are processed (**data minimisation**).
4. Personal data shall be accurate and where necessary kept up to date and every reasonable step must be taken to ensure that personal data that are inaccurate are erased or rectified without delay (**accuracy**).
5. Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the personal data is processed (**storage limitation**).
6. Appropriate technical and organisational measures shall be taken to safeguard the rights and freedoms of the data subject and to ensure that personal information is processed in a manner that ensures appropriate security of the personal data and protects against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data (**integrity and confidentiality**).

Transfer Limitation

In addition, personal data shall not be transferred to a country outside the UK and the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data as determined by the European Commission or where the organisation receiving the data has provided adequate safeguards.

This means that individuals' rights must be enforceable and effective legal remedies for individuals must be available following the transfer. It may also be possible to transfer data where the data subject has provided explicit consent or for other limited reasons. Staff should contact the Data Protection Officer (DPO) if they require further assistance with a proposed transfer of personal data outside of the UK and the EEA.

Lawful Basis for processing personal information

Before any processing activity starts for the first time, and then regularly afterwards, the purpose(s) for the processing activity and the most appropriate lawful basis (or bases) for that processing must be selected:

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the school.

- Processing is necessary for the performance of a contract to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract.
- Processing is necessary for compliance with a legal obligation to which the data controller is subject.
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person.
- Processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party.
- The data subject has given consent to the processing of his or her data for one or more specific purposes. Agreement must be indicated clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity are unlikely to be sufficient. If consent is given in a document which deals with other matters, the consent must be kept separate from those other matters.
  Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured. Consent may need to be refreshed if personal data is intended to be processed for a different and incompatible purpose which was not disclosed when the data subject first gave consent.

The decision as to which lawful basis applies must be documented to demonstrate compliance with the data protection principles and include information about both the purposes of the processing and the lawful basis for it in the school's relevant privacy notice(s).

When determining whether legitimate interests are the most appropriate basis for lawful processing (only where appropriate outside the school's public tasks) a legitimate interest assessment must be carried out and recorded. Where a significant privacy impact is identified, a Data Protection Impact Assessment (DPIA) may also need to be conducted.

This will not apply to a safeguarding concern in line with Keeping Children Safe in Education 2024.

Sensitive Personal Information

Processing of sensitive personal information (known as 'special categories of personal data') is prohibited unless a lawful special condition for processing is identified.

Sensitive personal information is data which reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, sex life or orientation, health related data or is genetic or biometric data which uniquely identifies a natural person.

Sensitive personal information will only be processed if:

- There is a lawful basis for doing so as identified on previous page
- One of the special conditions for processing sensitive personal information applies:
  (a) the individual ('data subject') has given explicit consent, or consent has been provided by a parent (which has been clearly explained in a Privacy Notice)
  (b) the processing is necessary for the purposes of exercising the employment law rights or obligations of the school or the data subject
  (c) the processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent

(d) the processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade-union aim
(e) the processing relates to personal data which are manifestly made public by the data subject
(f) the processing is necessary for the establishment, exercise or defence of legal claims
(g) the processing is necessary for reasons of substantial public interest
(h) the processing is necessary for purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, the provision of social care and the management of social care systems or services
(i) the processing is necessary for reasons of public interest in the area of public health.

The school's privacy notice(s) set out the types of sensitive personal information that it processes, what it is used for, the lawful basis for the processing and the special condition that applies.

Sensitive personal information will not be processed until an assessment has been made of the proposed processing as to whether it complies with the criteria above and the individual has been informed (by way of a privacy notice or consent) of the nature of the processing, the purposes for which it is being carried out and the legal basis for it.

Unless the school can rely on another legal basis of processing, explicit consent is usually required for processing sensitive personal data. Evidence of consent will need to be captured and recorded so that the school can demonstrate compliance with UK GDPR.

Automated Decision Making

Where the school carries out automated decision-making (including profiling), it must meet all the principles and have a lawful basis for the processing. Explicit consent will usually be required for automated decision making (unless it is authorised by law or it is necessary for the performance of or entering into a contract).

Additional safeguards and restrictions apply in the case of solely automated decision-making, including profiling. The school must, as soon as reasonably possible, notify the data subject in writing that a decision has been taken based on solely automated processing and that the data subject may request the school to reconsider or take a new decision. If such a request is received staff must contact the DPO as the school must reply within 21 days.

Data Protection Impact Assessments (DPIA)

All data controllers are required to implement 'Privacy by Design' when processing personal data.

This means the school's processes must embed privacy considerations and incorporate appropriate technical and organisational measures (like pseudonymisation) in an effective manner to ensure compliance with data privacy principles.

Where processing is likely to result in high risk to an individual's data protection rights (for example where a new technology is being implemented) a DPIA must be carried out to assess:

- Whether the processing is necessary and proportionate in relation to its purpose
- The risks to individuals

- What measures can be put in place to address those risks and protect personal information.

Staff should adhere to the Data Protection Toolkit for Schools from the DfE with reference to the DPIA template.

When carrying out a DPIA, staff should seek the advice of the DPO for support and guidance and once complete, refer the finalised document to the DPO for sign off.

Documentation and Records

Written records of processing activities must be kept and recorded including:

- the name(s) and details of individuals or roles that carry out the processing
- the purposes of the processing
- a description of the categories of individuals and categories of personal data
- categories of recipients of personal data
- details of transfers to third countries, including documentation of the transfer mechanism safeguards in place
- retention schedules
- a description of technical and organisational security measures.

As part of the school's record of processing activities, the DPO will document or link to documentation on:

- information required for privacy notices
- records of consent
- controller-processor contracts
- the location of personal information
- DPIAs and
- records of data breaches

Records of processing of sensitive information are kept on:

- The relevant purposes for which the processing takes place, including why it is necessary for that purpose
- The lawful basis for our processing and
- Whether the personal information is retained or erased in accordance with the Retention Schedule and, if not, the reasons for not following the policy.

The school should conduct regular reviews of the personal information it processes and update its documentation accordingly. This may include:

- Carrying out information audits to find out what personal information is held
- Talking to staff about their processing activities
- Reviewing policies, procedures, contracts and agreements to address retention, security and data sharing.

Privacy Notice

The school will issue privacy notices as required, informing data subjects (or their parents, depending on age of the pupil, if about pupil information) about the personal information that it collects and

holds relating to individual data subjects, how individuals can expect their personal information to be used and for what purposes.

When information is collected directly from data subjects, including for HR or employment purposes, the data subject shall be given all the information required by the GDPR including the identity of the DPO, how and why the school will use, process, disclose, protect and retain that personal data through a privacy notice (which must be presented when the data subject first provides the data).

When information is collected indirectly (for example from a third party or publicly available source) the data subject must be provided with all the information required by the GDPR as soon as possible after collecting or receiving the data. The school must also check that the data was collected by the third party in accordance with the GDPR and on a basis which is consistent with the proposed processing of the personal data.

The school will take appropriate measures to provide information in privacy notices in a concise, transparent, intelligible and easily accessible form, using clear and plain language.

The school will issue a minimum of two privacy notices, one for pupil information, and one for workforce information, and these will be reviewed in line with any statutory or contractual changes. Follow this link to the GDPR page on KELSI where you will find the model privacy notice(s) for Schools to use: http://www.kelsi.org.uk/School-management/data-and-reporting/access-to-information/the-general-data-protection-regulation-gdpr

Purpose Limitation

Personal data must be collected only for specified, explicit and legitimate purposes. It must not be further processed in any manner incompatible with those purposes.

Personal data must not be used for new, different or incompatible purposes from that disclosed when it was first obtained unless the data subject has been informed of the new purposes and they have consented where necessary.

Data Minimisation

Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed.

Staff may only process data when their role requires it. Staff must not process personal data for any reason unrelated to their role.

The school maintains a Retention Schedule to ensure personal data is deleted after a reasonable time for the purpose for which it was being held, unless a law requires such data to be kept for a minimum time. Staff must take all reasonable steps to destroy or delete all personal data that is held in its systems when it is no longer required in accordance with the Schedule. This includes requiring third parties to delete such data where applicable.

Staff must ensure that data subjects are informed of the period for which data is stored and how that period is determined in any applicable privacy notice.

Individual Rights

Staff as well as any other 'data subjects' have the following rights in relation to their personal information:

- To be informed about how, why and on what basis that information is processed *(see the relevant privacy notice on the school's website)*.
- To obtain confirmation that personal information is being processed and to obtain access to it and certain other information, by making a subject access request *(see Appendix 1 - Procedure for Access to Personal Information)*.
- To have data corrected if it is inaccurate or incomplete.
- To have data erased if it is no longer necessary for the purpose for which it was originally collected/processed, or if there are no overriding legitimate grounds for the processing ('the right to be forgotten').
- To restrict the processing of personal information where the accuracy of the information is contested, or the processing is unlawful (but you do not want the data to be erased) or where the school no longer need the personal information, but you require the data to establish, exercise or defend a legal claim.
- To restrict the processing of personal information temporarily where you do not think it is accurate (and the school are verifying whether it is accurate), or where you have objected to the processing (and the school are considering whether the school's legitimate grounds override your interests).
- In limited circumstances to receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format.
- To withdraw consent to processing at any time (if applicable).
- To request a copy of an agreement under which personal data is transferred outside of the UK and the EEA.
- To object to decisions based solely on automated processing, including profiling.
- To be notified of a data breach which is likely to result in high risk to their rights and obligations.
- To make a complaint to the Information Commissioner's Office (ICO) or a Court.

Individual Responsibilities

During their employment, staff may have access to the personal information of other members of staff, suppliers, clients or the public. The school expects staff to help meet its data protection obligations to those individuals.

If you have access to personal information, you must:

- only access the personal information that you have authority to access and only for authorised purposes
- only allow other staff to access personal information if they have appropriate authorisation
- only allow individuals who are not school staff to access personal information if you have specific authority to do so
- keep personal information secure (e.g. by complying with rules on access to premises, computer access, password protection and secure file storage and destruction in accordance with the school's policies).
- not remove personal information, or devices containing personal information (or which can be used to access it) from the school's premises unless appropriate security

measures are in place (such as pseudonymisation, encryption or password protection) to secure the information and the device
- not store personal information on local drives or on personal devices that are used for work purposes.

Information Security

The school will use appropriate technical and organisational measures to keep personal information secure, to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.
All staff are responsible for keeping information secure in accordance with the legislation and must follow their school's acceptable usage policy.

The school will develop, implement and maintain safeguards appropriate to its size, scope and business, its available resources, the amount of personal data that it owns or maintains on behalf of others and identified risks (including use of encryption and pseudonymisation where applicable). It will regularly evaluate and test the effectiveness of those safeguards to ensure security of processing.

Staff must guard against unlawful or unauthorised processing of personal data and against the accidental loss of, or damage to, personal data. Staff must exercise particular care in protecting sensitive personal data from loss and unauthorised access, use or disclosure.

Staff must follow all procedures and technologies put in place to maintain the security of all personal data from the point of collection to the point of destruction. Staff may only transfer personal data to third-party service providers who agree in writing to comply with the required policies and procedures and who agree to put adequate measures in place, as requested.

Staff must maintain data security by protecting the **confidentiality, integrity and availability** of the personal data, defined as follows:

Confidentiality means that only people who have a need to know and are authorised to use the personal data can access it.

Integrity means that personal data is accurate and suitable for the purpose for which it is processed.

Availability means that authorised users can access the personal data when they need it for authorised purposes.

Staff must comply with and not attempt to circumvent the administrative, physical and technical safeguards the school has implemented and maintains in accordance with the GDPR and the DPA.

Where the school uses external organisations to process personal information on its behalf, additional security arrangements need to be implemented in contracts with those organisations to safeguard the security of personal information. Contracts with external organisations must provide that:

- the organisation may only act on the written instructions of the school
- those processing data are subject to the duty of confidence
- appropriate measures are taken to ensure the security of processing
- sub-contractors are only engaged with the prior consent of the school and under a written contract
- the organisation will assist the school in providing subject access and allowing individuals to exercise their rights in relation to data protection

- the organisation will delete or return all personal information to the school as requested at the end of the contract
- the organisation will submit to audits and inspections, provide the school with whatever information it needs to ensure that they are both meeting their data protection obligations, and tell the school immediately if it does something infringing data protection law.

Before any new agreement involving the processing of personal information by an external organisation is entered into, or an existing agreement is altered, the relevant staff must seek approval from the DPO.

Storage and retention of personal information

Personal data will be kept securely in accordance with the school's data protection obligations.

Personal data should not be retained for any longer than necessary. The length of time data should be retained will depend upon the circumstances, including the reasons why personal data was obtained. Staff should adhere to the KCC Information Management Toolkit for Schools on KELSI with reference to the Record Retention Schedule.

Personal information that is no longer required will be deleted in accordance with the school's Record Retention Schedule.

Data Breaches

A data breach may take many different forms:

- Loss or theft of data or equipment on which personal information is stored
- Unauthorised access to or use of personal information either by a member of staff or third party
- Loss of data resulting from an equipment or systems (including hardware or software) failure
- Human error, such as accidental deletion or alteration of data
- Unforeseen circumstances, such as a fire or flood
- Deliberate attacks on IT systems, such as hacking, viruses or phishing scams
- Blagging offences where information is obtained by deceiving the organisation which holds it

The school must report a data breach to the ICO without undue delay and where possible within 72 hours, if the breach is likely to result in a risk to the rights and freedoms of individuals. The school must also notify the affected individuals if the breach is likely to result in a high risk to their rights and freedoms.

Staff should ensure they inform the school's Data Protection Lead immediately that a data breach is discovered and make all reasonable efforts to recover the information, following the school's *Data* Breach Policy and Procedure.

Training

The school will ensure that staff are adequately trained regarding their data protection responsibilities.

Consequences of a failure to comply

The school takes compliance with this policy very seriously. Failure to comply puts data subjects whose personal information is being processed at risk and carries the risk of significant civil and criminal sanctions for the individual and the school and may in some circumstances amount to a criminal offence by the individual.

Any failure to comply with any part of this policy may lead to disciplinary action under the school's procedures and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.

If you have any questions or concerns about this policy, you should contact your line manager or the school's DPO.

The Supervisory Authority in the UK

Please follow this link to the ICO's website (https://ico.org.uk/) which provides detailed guidance on a range of topics including individuals' rights, data breaches, dealing with subject access requests, how to handle requests from third parties for personal data etc.

Review of Policy

This policy will be updated as necessary to reflect best practice or amendments made to the GDPR or the DPA.

GLOSSARY

Automated Decision-Making (ADM): when a decision is made which is based solely on automated processing (including profiling) which produces legal effects or significantly affects an individual. The GDPR prohibits automated decision-making (unless certain conditions are met) but not automated processing.

Automated Processing: any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements. profiling is an example of automated processing.

Consent: agreement which must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they, by a statement or by a clear positive action, which signifies agreement to the processing of personal data relating to them.

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. It is responsible for establishing practices and policies in line with the GDPR. The school is the Data Controller of all personal data relating to its pupils, parents and staff.

Data Subject: a living, identified or identifiable individual about whom we hold personal data. Data Subjects may be nationals or residents of any country and may have legal rights regarding their personal data.

Data Privacy Impact Assessment (DPIA): tools and assessments used to identify and reduce risks of a data processing activity. DPIA can be carried out as part of Privacy by Design and should be conducted for all major systems or business change programs involving the processing of personal data.

Data Protection Lead: the person who is the first point of contact in each school for data protection enquiries:

Garlinge Primary School and Nursery – business@garlinge.kent.sch.uk
Parkside Community Foundation Primary School – officemanager@parkside.kent.sch.uk

Data Protection Officer (DPO): the person required to be appointed in public authorities under the GDPR.

EEA: the 27 countries in the EU, and Iceland, Liechtenstein and Norway.

Explicit Consent: consent which requires a very clear and specific statement (not just action).

General Data Protection Regulation (GDPR): General Data Protection Regulation (*(EU) 2016/679*). Personal data is subject to the legal safeguards specified in the GDPR that has been incorporated in UK law.

Personal data is any information relating to an identified or identifiable natural person (data subject) who can be identified, directly or indirectly by reference to an identifier such as a name, 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. Personal data includes sensitive personal data and pseudonymised personal data but excludes anonymous data

or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.

Privacy by Design: implementing appropriate technical and organisational measures in an effective manner to ensure compliance with the GDPR.

Privacy Notices: separate notices setting out information that may be provided to Data Subjects when the school collects information about them. These notices may take the form of general privacy statements applicable to a specific group of individuals (for example, school workforce privacy policy) or they may be stand-alone privacy statements covering processing related to a specific purpose.

Processing means anything done with personal data, such as collection, recording, structuring, storage, adaptation or alteration, retrieval, use, disclosure, dissemination or otherwise making available, restriction, erasure or destruction.

Processor means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the data controller.

Pseudonymisation or Pseudonymised: replacing information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person, to whom the data relates, cannot be identified without the use of additional information which is meant to be kept separately and secure.

Sensitive Personal Data: information revealing racial or ethnic origin, political opinions, religious or similar beliefs, trade union membership, physical or mental health conditions, sexual life, sexual orientation, biometric or genetic data, and Personal data relating to criminal offences and convictions.

APPENDIX 1

Procedure for Access to Personal Information

1. Right of access to information

There are two distinct rights of access to personal information held by schools.

> **Under the GDPR and the Data Protection Act 2018** an individual (e.g. pupil, parent or member of staff) has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see explanation below).
>
> **The Education (Pupil Information) (England) Regulations 2005** gives parents the right of access to curricular and educational records relating to their child.

2. Processing a request

Requests for personal information must be made in writing and addressed to the Executive Headteacher**.** If the initial request does not clearly identify the information required, then clarification should be sought.

The identity of the requestor must be verified before the disclosure of any personal information, and checks should also be carried out regarding proof of relationship to the child.

Evidence of identity can be established by requesting production of the following (this list is not exhaustive):

- passport
- driving licence
- utility bills with the current address
- Birth / Marriage certificate
- P45/P60
- Credit Card or Mortgage statement
- Parental Responsibility

Individuals are entitled to be told if we are processing their personal information, obtain a copy of that information and other supplementary information – see below.

In addition to a copy of their personal data, you also have to provide individuals with the following information:

- the purposes for processing their data;
- the categories of personal data concerned;
- the recipients or categories of recipient you disclose the personal data to;
- your retention period for storing the personal data or, where this is not possible, your criteria for determining how long you will store it;
- the existence of their right to request rectification, erasure or restriction or to object to such processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;

- the existence of automated decision-making (including profiling); and
- the safeguards you provide if you transfer personal data to a third country or international organisation.

Much of this information will already be included in your privacy notice.

Information can be viewed at the school with a member of staff on hand to help and explain matters if requested or provided at a face-to-face handover.

The views of the applicant should be taken into account when considering the method of delivery. If the applicant has asked for the information to be posted, then special next day delivery or recorded delivery postal service must be used.

3. Information relating to children

Children have the same rights of access to their own personal information as adults, and the same rights of privacy. There is no minimum age in English law, however current practice accepts that, provided a child is mature enough to understand their rights, a child of, or over the age of 13 years shall be considered capable of giving consent. This does not rule out receipt of a valid request from a child of a younger age, as each request should be considered on its merits on an individual basis.

When a subject access request is received from a child it will need to be judged whether the child has the capacity to understand the implications of their request and of the information provided as a result of that request. If the child does understand then their request will be dealt with in the same way as that of an adult.

If a parent or legal guardian makes a request on behalf of a child age 13 and over the request will only be complied with when assurances are received that the child has authorised the request and that their consent was not obtained under duress or on the basis of misleading information. If the child does not understand, then a request from a parent or legal guardian for the child's information will only be complied with when assurances are received that they are acting in the best interests of the child.

4. Response time

GDPR & DPA
The response time for compliance with a subject access request is **one month** following date of receipt. The timeframe does not begin until the school has received all the information necessary to comply with the request i.e. proof of identity.

You may be able to extend the timeframe by a further two months where requests are complex or numerous. If this is the case, you must inform the individual within one month of the receipt of the request and explain why the extension is necessary.

Education Regulations
Requests for information from parents for access to information classed as being part of the education record must be responded to within **15 school days.**

5. Charges

Under GDPR & DPA:
Should the information requested be personal information that **does not** include any information contained within educational records the school cannot make a charge, unless the request is manifestly unfounded or excessive. You may charge a "reasonable fee" for the administrative costs of complying with the request.

The school can also charge a reasonable fee if an individual requests further copies of their data following a request. You must base the fee on the administrative costs of providing further copies.

Under the Education Regulations
The school may make a charge if the information requested relates to the educational record, the amount charged will depend upon the number of pages provided. The fees work on a sliding scale basis as below.

Number of pages	Maximum fee
1-19	£1
20-29	£2
30-39	£3
40-49	£4
50-59	£5
60-69	£6
70-79	£7
80-89	£8
90-99	£9
100-149	£10
150-199	£15
200-249	£20
250-299	£25
300-349	£30
350-399	£35
400-449	£40
450-499	£45
500+	£50

6. Exemptions

There are some exemptions to the right to subject access that apply in certain circumstances or to certain types of personal information. **This means all information must be reviewed prior to disclosure**.

Included below are some of the exemptions that apply to a school, this is not an exhaustive list;

Third Party information: If the information held identifies other people, then it will sometimes be right to remove or edit that information so as not to reveal the identity of the third parties, unless the third parties have agreed to the disclosure. (This is less likely to apply to information identifying teachers or other professionals unless to disclose it would cause them serious harm.) Reasonable steps must be taken to obtain third party consent to disclosure. If the third parties cannot be located or do

not respond it may still be reasonable to consider disclosure if the information is of importance to the data subject. The school must still adhere to the **one-month** statutory timescale.

Where redaction (information edited/removed) has taken place then a full copy of the information provided should be retained in order to establish, if a complaint is made, what was redacted and why.

Information disclosed should be clear, meaning any codes or technical terms will need to be clarified and explained. If information contained within the disclosure is difficult to read or illegible, then it should be retyped.

Information likely to cause serious harm or distress: Any information which may cause serious harm to the physical or mental health or emotional condition of the pupil or another individual involved should not be disclosed, nor should information that would reveal that the child is at risk of abuse, or information relating to court proceedings.

Crime and Disorder: If the disclosure of the information is likely to hinder the prevention or detection of a crime, the prosecution or apprehension of offenders, or the assessment or collection of any tax or duty, the information should be withheld.

Legal professional privilege: If the information is general legal advice or advice which relates to anticipated or pending legal proceedings it is subject to 'legal professional privilege'. The disclosure of any communication to or from a legal advisor to another person (including the data subject) should not take place unless this has first been discussed with the legal advisor concerned.

References: The right of access does not apply to references given (or to be given) in confidence.

Absence of or invalid consent to disclosure: If the data subject is considered incapable of giving valid consent to disclosure (i.e. they do not have the capacity to understand the nature/implications of the access request), or if it is suspected that the consent was obtained under duress by someone acting on their behalf, or based on misleading information, then access should be refused.

7. Complaints

Data subjects have the right to make a complaint to the school where they believe that the processing of their personal data infringes data protection legislation, including UK GDPR and Data Protection Act 2018. This process relates specifically to data protection matters and is separate from the school's general Complaints Policy.

Complaints should normally be submitted using the Data Protection Complaint Form (Appendix 2), although they may also be made by email, in writing, or by other accessible means. Complaints should be directed to the school's Data Protection Lead / Data Protection Office (DPO).

The school will acknowledge receipt of a complaint within 30 calendar days of receipt. The school will then, without due delay, take appropriate steps to investigate and respond to the complaint. This will include making proportionate enquiries into the matters raised and, where appropriate, keeping the complainant informed of progress.

Where a complaint indicates a potential personal data breach, this will be immediately referred and managed in accordance with the school's Data Breach Policy and Procedure, including internal reporting, risk assessment, and (where required) notification to the Information Commissioner's Office (ICO). Details of how to do so will be provided in the response.

The school will maintain a record of all data protection complaints and their outcomes in accordance with it accountability obligations under data protection law.

8. Contacts

If you have any queries or concerns regarding individuals right of access to their own personal information, please contact:

The Information Resilience & Transparency Team
Kent County Council
Room 2.71, Sessions House,
County Hall,
Maidstone, Kent, ME14 1XQ
Email: michelle.hunt@kent.gov.uk
Or dataprotection@kent.gov.uk

Further advice and information can be obtained from the Information Commissioner's Office:
www.ico.org.uk

Appendix 2

Data Protection Complaint Form

The school takes your privacy seriously. If you have a concern about how we have used or handled personal information, please let us know using this form.

You are not required to use this form however, it will help us deal with your concern more quickly.

YOUR DETAILS	
Full Name	
Address	
Email address	
Telephone Number	
You are (*please tick*)	☐ Parent/Carer ☐ Member of Staff ☐ Pupil (if completing this yourself)
	☐ Other (please tell us):
WHO IS THIS ABOUT? (*if not you*)	
If you are raising this concern for some else (for example your child), please tell us:	
Name of child / person:	Your relationship to them:
WHAT IS THE CONCERN ABOUT?	
Please tick any that apply: ☐ Wrong or out-of-date information ☐ Information shared when it shouldn't have been ☐ Information not kept secure ☐ Delay or issue with request (e.g. seeing your information) ☐ Information kept longer than necessary ☐ Other (please tell us):	

TELL US WHAT HAPPENED	
Please give us as much detail as you can, including dates, what happened, and who was involved. (You can attach extra pages if needed):	
WHEN DID THIS HAPPEN?	
When did the issue happen?	
When did you become aware of it?	
Have you already contacted the school about this	☐ No ☐ Yes (if yes, please give details:
SUPPORTING INFORMATION	
Please list any documents you are including (for example emails or letters): Please indicate if these are attached to this form or will be sent separately: ☐ Attached ☐ To be sent separately	

WHAT WOULD YOU LIKE TO HAPPEN?	
Please tell us what you would like us to do to resolve this:	
DECLARATION	
Name	
Signature	
Date	
HOW TO SEND THIS FORM	
Please return this form to the Data Protection Lead or Data Protection Officer (DPO). Contact details are below:	
Data Protection Lead: Garlinge Primary School and Nursery Parkside Community Foundation Primary School	 Westfield Road, Margate CT9 5PA business@garlinge.kent.sch.uk Tennyson Avenue, Canterbury CT1 1EP officemanager@parkside.kent.sch.uk
Data Protection Officer (DPO)	alan@dataprotectionadviceltd.co.uk
WHAT HAPPENS NEXT	
• The school will confirm receipt of the concern within 30 days • The school will look into and respond as soon as they can • The school will explain the outcome and any action taken If you are not happy with our response, you can contact the Information Commissioner's Office (ICO). Details on how to do this will be provided in the response.	