

Broadwas CofE (VA) Primary School

Data Protection Policy

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1. Aims

Broadwas CofE (VA) Primary School aims to ensure that all personal data collected about staff, pupils, parents and carers, governors, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

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

2. Legislation and guidance

This policy meets the requirements of the:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2020](#)
- [Data Protection Act 2018 \(DPA 2018\)](#)

It is based on guidance published by the Information Commissioner's Office (ICO) on the [UK GDPR](#) and guidance from the Department for Education (DfE) on [Generative artificial intelligence in education](#).

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: • Name (including initials) • Identification number • Location data • Online identifier, such as a username It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural or social identity.
Special categories of personal data	Personal data which is more sensitive and so needs more protection, including information about an individual's: • Racial or ethnic origin • Political opinions • Religious or philosophical beliefs • Trade union membership • Genetics • Health – physical or mental • Sex life or sexual orientation

Processing	Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing or destroying. Processing can be automated or manual.
Data subject	The identified or identifiable individual whose personal data is held or processed.
Data controller	A person or organisation that determines the purposes and the means of processing of personal data.
Data processor	A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.
Personal data breach	A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal data.

4. The data controller

The school processes personal data relating to parents, pupils, staff, governors, volunteers, visitors and others, and therefore is a data controller.

The school is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by Broadwas School, and to external organisations, volunteers and other individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing Body

The governing body has overall responsibility for ensuring that the school complies with all relevant data protection obligations.

5.2 Data Protection Officer

The data protection officer (DPO) is responsible for providing advice and guidance to the school in order to assist the school to implement this policy, monitor compliance with data protection law, and develop related policies and guidelines where applicable.

The DPO will carry out an annual audit of the school data processing activities and report to the Governing Body their advice and recommendations on school data protection issues.

The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO.

Our DPO is provided by Warwickshire Legal Services and is contactable via schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer
Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square

5.3 Headteacher

The Headteacher acts as the representative of the data controller on a day-to-day basis.

5.4 Data Protection Contact

The school has nominated the following individuals as designated persons to be contacted internally in relation to all matters relating to data protection issues, and to make referrals, where necessary, to the Data Protection Officer:

Mr James Dennis who is contactable via the school office.

5.5 All staff

All members of staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing the school of any changes to their personal data, such as a change of address
- Contacting the designated Data Protection Contact in the following circumstances:
 - o With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - o If they have any concerns that this policy is not being followed
 - o If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - o If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - o If there has been a data breach
 - o Whenever they are engaging in a new activity that may affect the privacy rights of individuals
 - o If they need help with any contracts or sharing personal data with third parties

6. Data Protection Principles

The GDPR is based on data protection principles that our school must comply with.

The school has adopted the principles to underpin its Data Protection Policy:

The principles require that all personal data shall be:

- (1) processed lawfully, fairly and in a transparent manner ('lawfulness, fairness and transparency');
- (2) used for specified, explicit and legitimate purposes ('purpose limitation');
- (3) used in a way that is adequate, relevant and limited to what is necessary ('data minimisation');
- (4) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, are erased or rectified without delay ('accuracy');
- (5) kept no longer than is necessary ('storage limitation');
- (6) processed in a manner that ensures it is safe and secure, ensuring that measures against unauthorised or unlawful processing and against accidental loss, destruction or damage are in place ('integrity and confidentiality').

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

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

Broadwas School shall only process personal data where it has one of 5 'lawful bases' (legal reasons) available to the school to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract
- The data needs to be processed so that the school can **comply with a legal obligation**
- The data needs to be processed to ensure the **vital interests** of the individual e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task **in the public interest**, and carry out its official functions
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**

For special categories of personal data, we will also meet one of the special category conditions for processing which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent (except for online counselling and preventive services).

7.2 Limitation, minimisation and accuracy

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

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

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

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with guidance set out in the Information and Records Management Society's toolkit for schools.

8. Sharing personal data

We will not normally share personal data with anyone else except as set out in the School's Privacy Notice. GDPR and the DPA 2018 also allow information to be shared where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - o Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - o Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, to ensure the fair and lawful processing of any personal data we share
 - o Only share data that the supplier or contractor needs to carry out their service, and information necessary to keep them safe while working with us

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

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders

- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

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

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual

Subject access requests may be submitting in writing or verbally and can be sent either to the Data Protection Officer, a member of staff or a Governor / Trustee. To enable the request to be accurately responded to, the applicant should be encouraged to make the request in writing and to set out:

- Name of individual
- Name of School
- Correspondence address
- Contact number and email address
- Details of the information requested

The DPO will send the subject access request to the Data Protection Contact. If staff receive a subject access request they must immediately forward it to the Data Protection Contact, who will ensure that the DPO is informed.

Information to be released will be collated by the school and then sent to the DPO for checking and sending out to the applicant.

9.2 Children and subject access requests

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

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

These are not fixed rules and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous, or where it is impractical to comply within a month due to school closure. We will inform the individual of this within 1 month, and explain why the extension is necessary

We will not disclose information if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Is contained in adoption or parental order records
- Is given to a court in proceedings concerning the child

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee which takes into account administrative costs.

A request will be deemed to be unfounded or excessive if it is repetitive, or asks for further copies of the same information.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO.

9.4 Other data protection rights of the individual

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

- Withdraw their consent to processing at any time, where processing is based on the consent of the pupil or parent
- Ask us to rectify, erase or restrict processing of their personal data, or object to the processing of it (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Challenge processing which has been justified on the basis of public interest
- Request a copy of agreements under which their personal data is transferred outside of the European Economic Area
- Object to decisions based solely on automated decision making or profiling (decisions taken with no human involvement, that might negatively affect them)
- Prevent processing that is likely to cause damage or distress
- Be notified of a data breach in certain circumstances
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the Data Protection [Contact / Champion] who will send it to the DPO for information purposes.

10. Parental requests to see the educational record

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

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

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

11. Photographs and videos

As part of our school activities, the school may take photographs and record images of individuals within the School. The school will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and pupil.

Where the school needs parental consent, it shall clearly explain how the photograph and/or video will be used to both the parent/carer and pupil. Where the school does not need parental consent, it shall clearly explain to the pupil how the photograph and/or video will be used.

Uses may include:

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

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

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

See our child protection and safeguarding policy for more information on our use of photographs and videos.

12. Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. Broadwas CE Primary School recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, Broadwas CE Primary School will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

13. Data protection by design and default

The school shall put measures in place to show that it has integrated data protection into all of its data processing activities, including:

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law (see section 6)

- Completing privacy impact assessments where the school's processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Training members of staff on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Maintaining records of our processing activities, including:
 - o For the benefit of data subjects, making available the name and contact details of our school and DPO and all information we are required to share about how we use and process their personal data (via our privacy notices)
 - o For all personal data that we hold, maintaining an internal record of the type of data, data subject, how and why we are using the data, any third-party recipients, how and why we are storing the data, retention periods and how we are keeping the data secure

13. Data security and storage of records

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

In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data are kept under lock and key when not in use
- Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, pinned to notice/display boards, or left anywhere else where there is general access
- Staff must ensure passwords are hard for anyone else to guess by incorporating numbers and mixed case into it.
- Encryption software is used to protect all portable devices and removable media on which personal information is stored, such as USB devices
- Staff, pupils or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected (see section 8)

14. Disposal of records

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

For example, the school will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

15. Personal data breaches

The school shall take all reasonable steps to ensure that there are no personal data breaches.

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

When appropriate, the school shall report the data breach to the ICO within 72 hours. Such breaches in a school context may include, but are not limited to:

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

16. Training

All staff and governors are provided with regular data protection training.

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

17. Links with other policies

This data protection policy is linked to our:

- Information Security Policy
- Child protection and safeguarding policy.

This policy was reviewed and approved by the Governing Body on 19th January 2026.

Appendix 1: Personal data breach procedures

This procedure is based on [guidance on personal data breaches](#) produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach, or potential breach, the staff member, governor or data processor must immediately notify the data protection officer (DPO) by contacting the Head teacher and or DPO by email or phone call.
- The DPO will investigate the report, and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
 - Lost
 - Stolen
 - Destroyed
 - Altered
 - Disclosed or made available where it should not have been
 - Made available to unauthorised people
- Staff and governors will cooperate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the headteacher and the chair of governors
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers). (See the actions relevant to specific data types at the end of this procedure)
- The DPO will assess the potential consequences, based on how serious they are, and how likely they are to happen before and after the implementation of steps to mitigate the consequences
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's [self-assessment tool](#)
- The DPO will document the decisions (either way), in case it is challenged at a later date by the ICO or an individual affected by the breach. Documented decisions are stored on the school's server within the Confidential section.
- Where the ICO must be notified, the DPO will do this via the '[report a breach](#)' page of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of the school's awareness of the breach. As required, the DPO will set out:
 - A description of the nature of the personal data breach including, where possible:
 - The categories and approximate number of individuals concerned
 - The categories and approximate number of personal data records concerned
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach
 - A description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to have further information. The DPO will submit the remaining information as soon as possible
- Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
 - A description, in clear and plain language, of the nature of the personal data breach
 - The name and contact details of the DPO
 - A description of the likely consequences of the personal data breach

- A description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned
- The DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
 - Facts and cause
 - Effects
 - Action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals)
- Records of all breaches will be stored on the school's server within the Confidential section.
- The DPO and headteacher will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible
- The DPO and headteacher will meet termly to assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches

Actions to minimise the impact of data breaches

We set out below the steps we might take to try and mitigate the impact of different types of data breach if they were to occur, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Sensitive information being disclosed via email (including safeguarding records)

- ☐ If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- ☐ Members of staff who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- ☐ If the sender is unavailable or cannot recall the email for any reason, the DPO will ask the IBS Support to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- ☐ In any cases where the recall is unsuccessful or cannot be confirmed as successful, the DPO will consider whether it's appropriate to contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- ☐ The DPO will endeavor to obtain a written response from all the individuals who received the data, confirming that they have complied with this request
- ☐ The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- ☐ If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its 3 local safeguarding partners

Details of pupil premium interventions for named children being published on the school website

- ☐ Once alerted to the situation the DPO will contact the website administrator for the information to be taken off the site.
- ☐ The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- ☐ If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its 3 local safeguarding partners

A school laptop containing non-encrypted sensitive personal data being stolen or hacked

- ☐ The DPO will inform the police of the issue (hacked or stolen) and request the support of the correct services.
- ☐ In the case of a hacked computer the DPO will contact the school's technical service provider to see if they can contain the information that has been hacked.
- ☐ The DPO will consider if there is a need to inform any individuals about the data breach.

The school's cashless payment provider being hacked and parents' financial details stolen

- ☐ The DPO will inform the police of the issue (hacked or stolen) and request the support of the correct services.
- ☐ The DPO will contact the cashless payment company to inform them of the data breach and if the situation can be contained.
- ☐ The DPO will consider if there is a need to inform any individuals about the data breach.

Hardcopy reports sent to the wrong pupils or families

- ☐ The DPO will seek to clarify who the hard copy has been sent too and when. They will ensure that this is the only data breach that has occurred.
- ☐ If safeguarding information is compromised, the DPO will inform the designated safeguarding lead and discuss whether the school should inform any, or all, of its 3 local safeguarding partners
- ☐ The DPO will contact the family who have received the incorrect information with the aim to recover the lost information.
- ☐ The DPO will then consider if there has been a data breach and inform individuals affected about the data breach.

This policy was reviewed and approved by the Resources Committee on 19th January 2026