

## **10.0 DATA PROTECTION**

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## **10.10 Policy Statement**

The information and guidelines within this Policy apply to all ISA staff. Non-compliance may result in disciplinary action.

CROSS REFERENCE:       8.70 Images and Contact Details of ISA Students/Disclosure of  
Student Assessment Data  
ISA Privacy Notice

## **10.20 Introduction**

Like all educational establishments, ISA holds and processes information about their employees, applicants, past and present parents, pupils, and other individuals for various purposes (for example the administration of the admissions process, the effective provision of academic and welfare services, to record academic progress, to operate the payroll and to enable correspondence and communications, including the provision of references and certificates). To comply with the Data Protection Act 2018 (DPA 2018) and EU General Data Protection Regulation 2016/679 (the “GDPR”), information must be collected and used fairly, stored safely and not disclosed to any unauthorised person.

### **10.30 Notification to the Information Commissioner**

ISA has an obligation, as a Data Controller (a body holding or processing data, as defined by DPA 2018), to notify the Information Commissioner's Office of the purposes for which it processes personal data. Individual data subjects can obtain full details of ISA's data protection registration with the Information Commissioner from ISA's Data Protection Manager (dataprotection@isa.aberdeen.sch.uk) or from the Information Commissioner's website (<https://ico.org.uk>).

## 10.40 Data Protection Principles

ISA, as a Data Controller, must comply with the Data Protection Principles, which are set out in the DPA 2018. In summary, these state that personal data shall be dealt with using the following principles:

- Lawfulness, fairness and transparency
- Purpose limitation
- Data minimisation
- Accuracy
- Storage limitation
- Integrity and confidentiality (security)
- Accountability

CROSS REFERENCE:       8.70 Images and Contact Details of ISA Students / Disclosure of Student Assessment Data  
ISA Privacy Notice

## 10.50 Processing

“Processing”, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- (a) organisation, adaptation or alteration of the information or data;
- (b) retrieval, consultation or use of the information or data;
- (c) disclosure of the information or data by transmission, dissemination or otherwise making available; or
- (d) alignment, combination, blocking, erasure or destruction of the information or data.

### **10.60 Data Protection Manager**

The School has appointed Mrs Gayle Veitch as Data Protection Manager, who will deal with all requests and enquiries concerning the school's uses of personal data and endeavour to ensure that all personal data is processed in compliance with the ISA Privacy Notice and the DPA 2018. The Data Protection Manager may be contacted through the school, by telephone (01224 730300), by email ([dataprotection@isa.aberdeen.sch.uk](mailto:dataprotection@isa.aberdeen.sch.uk)) or in writing at Pitfodels House, North Deeside Road, Aberdeen, AB15 9PN.



## 10.70 Responsibilities of Individual Data Users

All ISA staff who record and/or process personal data in any form must ensure that they comply with the requirements of the DPA 2018, the ISA Privacy Notice and ISA Data Protection Policy (including any procedures and guidelines which may be issued from time to time). *A breach of the DPA 2018 and/or ISA's Data Protection Policy may result in disciplinary proceedings.*

In particular, no member of staff may, without the prior written authorisation of the Data Protection Manager:

- develop a new computer system for processing personal data;
- use an existing computer system to process personal data for a new purpose;
- create a new manual filing system containing personal data;
- use an existing manual filing system containing personal data for new purposes;
- submit personal data of a member of staff or student to an external supplier, for example a website

The above does not apply to databases that are maintained by staff within ISA for their private domestic use, for example, private address books.

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## 10.80 Data Security and Disclosure

All members of staff are responsible for ensuring that:

- Any personal data which they hold is kept securely;
- Personal data is not disclosed either orally or in writing or otherwise to any unauthorised third party, and that every reasonable effort will be made to see that data is not disclosed accidentally.

**Unauthorised disclosure is a disciplinary matter and may be considered gross misconduct. If in any doubt, consult the ISA Data Protection Manager.**

Personal data must be kept securely and examples of how this may be done will include:

- keeping the data locked in a filing cabinet, drawer or room, or otherwise inaccessible to unauthorised persons;
- if the data is electronically stored on computer, ensuring that the data is stored securely
- any other reasonable and appropriate security measure.

CROSS REFERENCE:       8.70   Photographing and Images of ISA Students / Disclosure of  
                                  Student Assessment Data  
                                  ISA Privacy Notice

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## 10.90 Data/Handling

Personal data should be handled and access to it permitted on a strictly “need to know” basis.

Any communications or documents containing personal data of a sensitive or confidential nature should carry an appropriate handling caveat. In practical terms, this means applying a “CONFIDENTIAL” header and footer to the communication or document, whether it is being electronically stored, handled or transmitted, or manually so (i.e. by hard copy, on or separate from a manual file). *It is extremely important that handling caveats are used scrupulously and fully respected by data users.*

All documents or files being moved manually from one person or department to another within ISA must be placed in a sealed envelope, which must be clearly and specifically addressed to a named individual. This applies both to files and to individual documents and the envelopes must be clearly marked with the handling caveat “CONFIDENTIAL Personal for.....”

### **10.100 Obligation to Provide and Maintain Accurate and Up-to-Date Personal Data**

All staff must endeavour to ensure that any necessary personal data provided to the School, on themselves or any third party, is accurate and up-to-date. Staff are responsible for providing updates on changes in relevant personal data about themselves which is held by the School, e.g. changes of address, qualifications and the like.

Staff charged with responsibility for maintaining the School's structured filing systems are to take all reasonable steps to ensure that personal data contained therein is kept accurate and up-to-date.

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### **10.110 Data Subjects' Consent**

It is a requirement of DPA 2018 that consent should be sought, whenever practicable, from individual data subjects for Data Controllers to hold and process personal data concerning them. This is to allow individuals an opportunity to raise any objections to any intended processing of personal data. ISA will consider any such objections, but reserves the right to process personal data in order to carry out its functions as permitted by law. These rights and requirements are laid out clearly in the ISA Privacy Notice which is available on the ISA website.

It is self-evident that a school cannot undertake its functions in relation to pupils, parents, staff and former pupils without properly, reasonably and necessarily holding personal data about them. It is, therefore, a reasonable conclusion that in enrolling a pupil at the School, accepting employment at ISA or otherwise freely becoming formally involved with the School, a parent, staff member or the Board accepts this necessity and consents to personal data on them (or their children, as pupils) being held and processed by the School. On occasion, ISA may require data processing which does not pertain directly to the 'legitimate interest' of the school, for example use of images for marketing purposes. In these instances consent will always be sought on an 'opt-in' basis from the responsible guardian of the student involved, or in some circumstances by the student, if they are 12 years of age or older.

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## **10.120 Rights to Access Personal Data**

Staff, parents, pupils of appropriate age under the law and other individuals have the right under the DPA 2018 to access any personal data that is being held about them either in an “automatically processable form” (mainly computer records) or in a “relevant filing system” (i.e. any set of information structured in such a way that specific information relating to a particular individual is readily accessible) and to request the correction of such data where they are incorrect. Any individual who wishes to exercise his or her right of access should do so in writing to the Data Protection Manager.

Any inaccuracies in data disclosed in this way should be communicated immediately to the Head of School, who shall take appropriate steps to make the necessary amendments.

The School reserves the right to make a charge on each occasion that access is requested. In normal circumstances, ISA will not charge staff for access to personal data held on them.

It is the policy of ISA to be willing and open in its response to data access requests, respecting both the letter and the spirit of the law. ISA will aim to respond to the request for access to personal data within one month of the request unless an extension to this timescale is agreed.

### **10.130 Disclosure outside of the United Kingdom**

ISA may need to transfer or store personal information outside of the United Kingdom, for example, by our Management Information Systems.

ISA will only transfer information to organisations who are working towards compliance with General Data Protection Regulation (EU) 2016/679 (“GDPR”), Privacy Shield (USA) or equivalent level of protection.

Where we put in place appropriate safeguards to protect information which we transfer, safeguards may include securing additional Data Sharing Agreements to protect personal information.

Reference is also made to the ISA Privacy Notice.

## 10.140 Sensitive Personal Data

Reference is made to the ISA Privacy Notice:

*“ISA will on occasion need to process special category personal data (concerning health, ethnicity, religion, biometrics or sexual life) or criminal records information (such as when carrying out PVG checks) in accordance with rights or duties imposed on it by law, including safeguarding and employment, or from time to time by explicit consent where required.*

*These reasons will include:*

- *To safeguard students' welfare and provide appropriate pastoral and medical care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other relevant information where it is in the individual's interests to do so;*
- *To provide educational services in the context of any special educational needs of a student;*
- *In connection with employment of its staff, for example PVG checks, welfare, union membership or pension plans;*
- *As part of any school or external complaints, disciplinary or investigation process that involves such data, for example if there are SEN, health or safeguarding elements; or*
- *For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.”*

CROSS REFERENCE: 8.70 Images and Contact Details of ISA Students/Disclosure of Student Assessment Data



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## **10.150 CCTV**

ISA operates a number of CCTV cameras in order to assist with security for members of the ISA Community and in respect of school property. Any person having queries regarding the operation of the CCTV system should refer these to the Head of School. Anyone wishing to access any personal data about them on the CCTV system, should make a formal request to the Head of School with as much information as possible to enable the data to be located (including, if possible, details of the relevant camera, date and time). ISA reserves the right to levy a fee for such requests. In normal circumstances, staff will not be subject to this fee.

CCTV footage will be used for no other purposes than the security of the pupils, staff and school property.

A more detailed process is documented.

## **10.160 E-Mail**

It is permissible and appropriate for ISA to keep records of internal communications which are relevant to an individual's ongoing relationship with the School, whether as a parent, member of staff or pupil, including information concerning performance and conduct issues, provided such records comply with the Data Protection principles.

It is recognised in law that e-mail is used for such communications and that such e-mails should form part of ISA's records. It goes beyond the scope of this policy document to address the appropriate use of e-mail in the proper functioning of the School and the limitations and legal implications of this mode of communication. However, all members of the staff need to be aware that:

- the DPA 2018 applies to e-mails which contain personal data about individuals which are sent or received by members of ISA's Community (other than for their own private purposes as opposed to school purposes);
- subject to certain exceptions, individual data subjects will be entitled to make a data subject access request and have access to emails which contain personal data concerning them, provided that the individual data subject can provide sufficient information for ISA to locate the personal data in the e-mails; and
- Personal email accounts should not be used for any school business.

### **10.170 Retention of Personal Data**

DPA 2018 requires that personal data should be processed and retained for no longer than is necessary. Personal data should not be held indefinitely without reason, but there are legitimate business archive and historical archive purposes for which personal data may be retained permanently. The following guidelines are to be followed regarding the retention of personal data holdings within ISA:

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**10.170.1 Student Records**

Within a period of seven years after a student leaves the School, the student's records shall be summarised by school office staff, in accordance with current practice, and upon expiry of that seven-year period the student's detailed records shall be destroyed. The summary sheets shall contain basic information on the student's school career and a copy of the last reference provided by the School, and shall be retained in perpetuity.

Upon permission from the student, an alumni record will be created and stored separately until such point as removal is requested.

**10.170.2 Parent Records**

Parent records are created alongside the student record and are to be retained for seven years following the date of the parent's last child (or children) leaving the School, with destruction to take place thereafter, unless legal reasons warrant further retention.

**10.170.3 Staff Records**

Staff records are to be retained for seven years after the staff member has left the employment of ISA. A summary staff record should be retained in perpetuity for legal requirements.

**10.170.4 Child Protection Records**

All Child Protection records must be held in accordance with UK and Scottish law.

**10.170.5 Applicant Records**

Student applicant records should be stored and destroyed in the same way as student records.

Job applicant records should be stored and destroyed in the same way as staff records.

All applicants should be informed of the storage method and retention period.

In the event of vacancies filled by sponsored migrant workers, Home Office UK Visas & Immigration requirements for document retention from the recruitment process must be observed.



**10.180 ISA Historical Archives**

ISA will retain information, including images, both physically and electronically, for reference, historical and research purposes.

Personal data which is contained in ISA's archives may be processed for research purposes (including statistical, historical or biographical purposes). Such processing will be carried out in such a manner as to comply with the Data Protection Law , insofar as they may be applicable.

ISA reserves the right to destroy (in whole or in part) archived files whenever it considers it appropriate to do so.

**10.190 Alumni Records**

Manual and computer-based records maintained in respect of former students, staff, and other current, past and potential donors to the School are to be kept securely.

Data will be used by ISA for a full range of activities, including the sending of school publications, promotion of benefits and services available to alumni, notification of alumni' activities and fundraising programmes

Permission will be sought before storing any such data.

**10.200 Audit and Review of Policy**

The implementation of this policy will be subject to periodic audit. The policy will be subject to review by the Board, with the involvement of the Data Protection Manager annually, or as and when pertinent legislation makes a review necessary.