

Data Protection (GDPR) Policy

Last reviewed on: 29th September 2026 by Robert Prestwood

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Data Protection Policy (GDPR)

Statement of intent

Westcliffe Primary School is required to keep and process certain information about staff members, pupils and parents/ carers in accordance with legal obligations under the United Kingdom General Data Protection Regulation (UK GDPR). We may, from time to time, be required to share personal information about staff, pupils and parents/ carers with other organisations, mainly the LA, other schools and educational bodies, and potentially social services. This policy is in place to ensure all staff and governors are aware of their responsibilities in relation to the core principles of the UK GDPR.

This policy complies with the UK GDPR and the Data Protection Act 2018, and takes account of subsequent legislation including the Data (Use and Access) Act 2025 and DfE statutory guidance (Keeping Children Safe in Education 2026).

Legal framework

This policy has due regard to legislation, including, but not limited to the following:

- The United Kingdom General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2016)
- Data Protection Act 2018

Applicable data

For the purpose of this policy, personal data refers to information that relates to an identifiable, living individual, including information such as an online identifier, such as an IP address. The UK GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

Sensitive personal data is referred to in the UK GDPR as ‘special categories of personal data’, which are broadly the same as those in the Data Protection Act (DPA) 2018. These specifically include the processing of genetic data, biometric data and data concerning health matters.

Principles

In accordance with the requirements outlined in the UK GDPR, personal data will be:

• Processed lawfully, fairly and in a transparent manner in relation to individuals.

• Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.

• Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

• Accurate and, where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data logs that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.

• Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.

• Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The UK GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with the principles”.

Accountability

Westcliffe Primary School will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the UK GDPR. We will provide comprehensive, clear and transparent privacy policies. Records of activities relating to higher risk processing will be maintained, such as the processing of special categories data or that in relation to criminal convictions and offences. Data protection impact assessments will be used, where appropriate.

Record of processing activities (RoPA) and retention schedule

The school maintains a RoPA that documents purposes, lawful bases, categories of personal data, retention periods and security measures. The retention schedule sets retention periods for commonly held records; the DPO reviews the RoPA and retention schedule annually.

Data protection officer (DPO)

A DPO will be appointed in order to:

• Inform and advise all stakeholders about their obligations to comply with the GDPR and other data protection laws.

• Monitor the school's compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments, conducting internal audits, and providing the required training to staff members.

The school has appointed the services of Tim Pinto to the role of DPO. The DPO will report directly to the Head Teacher. The DPO will operate independently and will not be subject to disciplinary procedures as a result of performing this task. Sufficient resources and support will be provided to the DPO to enable them to meet their GDPR obligations.

Lawful processing

The legal basis for processing data will be identified and documented prior to data being processed. Under the GDPR, data will be lawfully processed under the following conditions:

• The consent of the data subject has been obtained.

• Processing is necessary for:

  o Compliance with a legal obligation.

  o The performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

  o For the performance of a contract with the data subject or to take steps to enter into a contract.

  o Protecting the vital interests of a data subject or another person.

  o For the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Sensitive data will only be processed under the following conditions:

• Explicit consent of the data subject.

• Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.

• Processing relates to personal data manifestly made public by the data subject.

• Processing is necessary for:

  o Carrying out obligations under employment, social security or social protection law, or a collective agreement.

  o Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.

o The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.

o Reasons of substantial public interest on the basis of Union law which is proportionate to the aim pursued and which contains appropriate safeguards.

o The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union law or a contract with a health professional.

o Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.

o Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

Consent

Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Where consent is given, a record will be kept documenting how and when consent was given. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the UK GDPR; however, acceptable consent obtained under the DPA will not be reobtained. Consent can be withdrawn by the individual at any time. The consent of parents will be sought prior to the processing of a child's data, except where the processing is related to preventative or counselling services offered directly to a child.

The right to be informed

The privacy notice supplied to individuals with regard to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge. If services are offered directly to a child, we will ensure that the privacy notice is written in a clear, plain manner that the child will understand.

In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:

- The identity and contact details of the controller, and where applicable, the controller's representative and the DPO.
- The purpose of, and the legal basis for, processing the data.
- The legitimate interests of the controller or third party.
- Any recipient or categories of recipients of the personal data.
- Details of transfers to third countries and the safeguards in place.

- The retention period of criteria used to determine the retention period.
- The existence of the data subject's rights, including the right to:
    - Withdraw consent at any time.
    - Lodge a complaint with a supervisory authority.
- The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences.

Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement and the details of the categories of personal data, as well as any possible consequences of failing to provide the personal data, will be provided.

Where data is not obtained directly from the data subject, information regarding the source the personal data originates from and whether it came from publicly accessible sources, will be provided. For data obtained directly from the data subject, this information will be supplied at the time the data is obtained.

In relation to data that is not obtained directly from the data subject, this information will be supplied:

- Within one month of having obtained the data.
- If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.
- If the data are used to communicate with the individual, at the latest, when the first communication takes place.

The right of access

Individuals have the right to obtain confirmation that their data is being processed. Individuals have the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing. We will verify the identity of the person making the request before any information is supplied. A copy of the information will be supplied to the individual free of charge. Where a SAR has been made electronically, the information will be provided in a commonly used electronic format. All requests will be responded to without delay and at the latest, within one month of receipt. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request. In the event that a large quantity of information is being processed about an individual, we will ask the individual to specify the information the request is in relation to.

The right to rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified. Where the personal data in question has been disclosed to third parties, we will inform them of the rectification where possible. Where appropriate, we will inform the individual about the third parties that the

data has been disclosed to. Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

The right to erasure

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing or storage.

Individuals have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed
- When the individual withdraws their consent
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- Where the personal data was unlawfully processed
- Where the personal data is required to be erased in order to comply with a legal obligation
- Where the personal data is processed in relation to the offer of information society services to a child

Westcliffe Primary School has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes
- The exercise or defence of legal claims

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request. Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so. Where personal data has been made public within an online environment, we will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

The right to restrict processing

Individuals have the right to block or suppress the school's processing of personal data. In the event that processing is restricted, we will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

Westcliffe Primary School will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted we have verified the accuracy of the data

- Where an individual has objected to the processing and the school is considering whether their legitimate grounds override those of the individual

- Where processing is unlawful and the individual opposes erasure and requests restriction instead

- Where the school no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim

If the personal data in question has been disclosed to third parties, the school will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so. The school will inform individuals when a restriction on processing has been lifted.

The right to data portability

Individuals have the right to obtain and reuse their personal data for their own purposes across different services. Personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without hindrance to usability.

The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller

- Where the processing is based on the individual's consent or for the performance of a contract

- When processing is carried out by automated means

Personal data will be provided in a structured, commonly used and machine-readable form. Where feasible, data will be transmitted directly to another organisation at the request of the individual. In the event that the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual. The school will respond to any requests for portability within one month. Where the request is complex, or a number of requests have been received, the timeframe can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

The right to object

The school will inform individuals of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the attention of the data subject, ensuring that it is presented clearly and separately from any other information.

Individuals have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest
- Direct marketing
- Processing for purposes of scientific or historical research and statistics

Where personal data is processed for the performance of a legal task or legitimate interests:

- An individual's grounds for objecting must relate to his or her particular situation.
- The school will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the trust can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

Where personal data is processed for direct marketing purposes:

- The school will stop processing personal data for direct marketing purposes as soon as an objection is received.
- The school cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.

Where personal data is processed for research purposes:

- The individual must have grounds relating to their particular situation in order to exercise their right to object.
- Where the processing of personal data is necessary for the performance of a public interest task, the trust is not required to comply with an objection to the processing of the data.

Privacy by design and privacy impact assessments

Westcliffe Primary School will act in accordance with the UK GDPR by adopting a privacy by design approach and implementing technical and organisational measures which demonstrate how the school has considered and integrated data protection into processing activities. Data protection impact assessments (DPIAs) will be used to identify the most effective method of complying with the school's data protection obligations and meeting individuals' expectations of privacy. DPIAs will allow the school to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to school's reputation which might otherwise occur. A DPIA will be used when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals. A DPIA will be used for more than one project, where necessary.

High risk processing includes, but is not limited to, the following:

- Systematic and extensive processing activities, such as profiling
- Large scale processing of special categories of data or personal data which is in relation to criminal convictions or offences

The school will ensure that all DPIAs include the following information:

- A description of the processing operations and the purposes
- An assessment of the necessity and proportionality of the processing in relation to the purpose
- An outline of the risks to individuals
- The measures implemented in order to address risk

Data breaches

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The Head Teacher will ensure that all staff members are made aware of, and understand, what constitutes as a data breach as part of their continuous development training. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.

Where a personal data breach is likely to result in a risk to individuals' rights and freedoms, the school will notify the Information Commissioner's Office without undue delay and, where feasible, within 72 hours of becoming aware. Where notification is not made within 72 hours, reasons for delay will be recorded.

Within a breach notification, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
- The name and contact details of the DPO
- An explanation of the likely consequences of the personal data breach
- A description of the proposed measures to be taken to deal with the personal data breach
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects

Failure to report a breach when required to do so will result in a fine, as well as a fine for the breach itself.

Data security

Confidential paper records will be kept in a locked filing cabinet, drawer or a room with restricted access. Confidential paper records will not be left unattended or in clear view anywhere with general access. Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site. All electronic devices are password-protected to

protect the information on the device in case of theft. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password. When sending confidential information by fax, staff will always check that the recipient is correct before sending. Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.

Before sharing data, all staff members will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- The recipient of the data has been outlined in a privacy notice.

Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times. Westcliffe Primary School takes its duties under the GDPR very seriously and any unauthorised disclosure may result in disciplinary action. The Data Protection Officer is responsible for continuity and recovery measures are in place to ensure the security of protected data.

CCTV and photography

The school understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles. The school notifies all pupils, staff and visitors that we are collecting CCTV images via a notice sign. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose. All CCTV footage will be for the correct period of time; the Data Protection Officer is responsible for keeping the records secure and allowing access. The school will always indicate its intentions for taking photographs of pupils and will retrieve permission before publishing them.

Data retention

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former pupils or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. Paper documents will be safely disposed of, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

DBS data

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication. Data provided by the DBS will never be duplicated. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data processor.