Melin Primary School

Personal Data Handling Policy

Introduction

Melin Primary School and its employees should do everything within their power to ensure the safety and security of any material of a personal or sensitive nature.

It is the responsibility of all members of the school community to take care when handling, using or transferring personal data that it cannot be accessed by anyone who does not:

- have permission to access that data, and/or
- need to have access to that data.

Data breaches can have serious effects on individuals and / or institutions concerned, can bring the school into disrepute and may well result in disciplinary action, criminal prosecution and fines imposed by the Information Commissioners Office for the school and the individuals involved. Particularly, all transfer of data is subject to risk of loss or contamination.

Anyone who has access to personal data must know, understand and adhere to this policy, which brings together the legal requirements contained in relevant data protection legislation and relevant regulations and guidance (where relevant from the Local Authority).

The Data Protection Act (DPA) lays down a set of rules for processing of personal data (both structured manual records and digital records). It provides individuals (data subjects) with rights of access and correction. The DPA requires organisations to comply with eight data protection principles, which, among others require data controllers to be open about how the personal data they collect is used.

The DPA defines "Personal Data" as data which relate to a living individual who can be identified:

- from those data, or
- from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
- and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

It further defines "Sensitive Personal Data" as personal data consisting of information as to:

- the racial or ethnic origin of the data subject,
- his political opinions,
- his religious beliefs or other beliefs of a similar nature,
- whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- his physical or mental health or condition,
- his sexual life,

- the commission or alleged commission by him of any offence, or
- any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

Guidance for organisations processing personal data is available on the Information Commissioner's Office website:
http://www.ico.gov.uk/for_organisations/data_protection_guide.aspx

The school will hold the minimum personal data necessary to enable it to perform its function and it will not hold it for longer than necessary for the purposes it was collected for.

Every effort will be made to ensure that data held is accurate, up to date and that inaccuracies are corrected without unnecessary delay.

All personal data will be fairly obtained in accordance with the "Privacy Notice" and lawfully processed in accordance with the "Conditions for Processing".

Personal Data

The school and individuals will have access to a wide range of personal information and data. The data may be held in a digital format or on paper records. Personal data is defined as any combination of data items that identifies an individual and provides specific information about them, their families or circumstances. This will include:

- Personal information about members of the school community – including *pupils*, members of staff and parents / carers eg names, addresses, contact details, legal guardianship contact details, health records, disciplinary records
- Curricular / academic data eg class lists, pupil progress records, reports, references
- Professional records eg employment history, taxation and national insurance records, appraisal records and references
- Any other information that might be disclosed by parents / carers or by other agencies working with families or staff members.

Responsibilities

The school's Senior Information Risk Officer (SIRO) is the Headteacher, Mr. Timothy Richards (headteacher). This person will keep up to date with current legislation and guidance and will:

- determine and take responsibility for the school's information risk policy and risk assessment
- appoint the Information Asset Owners (IAOs)

The school will identify Information Asset Owners (IAOs), the school Bursar, Sarah Bell f*or the various types of* data being held (eg pupil / student information / staff information / assessment data etc). The IAOs will manage and address risks to the information and will understand:

- what information is held, for how long and for what purpose,
- how information as been amended or added to over time, and
- who has access to protected data and why.

Everyone in the school has the responsibility of handling protected or sensitive data in a safe and secure manner.

Governors are required to comply fully with this policy in the event that they have access to personal data, when engaged in their role as a Governor.

Registration

The school is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

Information to Parents / Carers – the "Privacy Notice"

In order to comply with the fair processing requirements of the DPA, the school will inform parents / carers of all pupils / students of the data they collect, process and hold on the pupils / students, the purposes for which the data is held and the third parties (eg LA, WG, etc) to whom it may be passed. This privacy notice will be passed to parents / carers through the school prospectus. Parents / carers of young people who are new to the school will be provided with the privacy notice through the school prospectus when they join the school.

Training & awareness

All staff will receive data handling awareness / data protection training and will be made aware of their responsibilities, as described in this policy through:

- Induction training for new staff
- Staff meetings and Inset
- Day to day support and guidance from Information Asset Owners

Risk Assessments

Information risk assessments will be carried out by Information Asset Owners to establish the security measures already in place and whether they are the most appropriate and cost effective. The risk assessment will involve:

- Recognising the risks that are present;
- Judging the level of the risks (both the likelihood and consequences); and
- Prioritising the risks.

Risk assessments are an ongoing process and should result in the completion of an Information Risk Actions Form (example below):

Risk ID	Information Asset affected	Information Asset Owner	Protective Marking (Impact Level)	Likelihood	Overall risk level (low, medium, high)	Action(s) to minimise risk

Impact Levels and protective marking

Following incidents involving loss of data, the Government recommends that the Protective Marking Scheme should be used to indicate the sensitivity of data. The Protective Marking Scheme is mapped to Impact Levels as follows:

Government Protective Marking Scheme label	Impact Level (IL)	Applies to schools?
NOT PROTECTIVELY MARKED	0	Will apply in schools
PROTECT	1 or 2	
RESTRICTED	3	
CONFIDENTIAL	4	Will not apply in schools
HIGHLY CONFIDENTIAL	5	
TOP SECRET	6	

Most pupil or staff personal data that is used within educational institutions will come under the PROTECT classification. However some, eg the home address of a child at risk will be marked as RESTRICT.

The school will ensure that all school staff, independent contractors working for it, and delivery partners, comply with restrictions applying to the access to, handling and storage of data classified as Protect, Restricted or higher. Unmarked material is considered 'unclassified'. The term 'UNCLASSIFIED' or 'NON' or 'NOT PROTECTIVELY MARKED' may be used to indicate positively that a protective marking is not needed.

All documents (manual or digital) that contain protected or restricted data will be labelled clearly with the Impact Level shown in the header and the Release and Destruction classification in the footer.

Users must be aware that when data is aggregated the subsequent impact level may be higher than the individual impact levels of the original data. Combining more and more individual data elements together in a report or data view increases the impact of a breach. A breach that puts students / pupils at serious risk of harm will have a higher impact than a risk that puts them at low risk of harm. Long-term significant damage to anyone's reputation has a higher impact than damage that might cause short-term embarrassment.

Release and destruction markings should be shown in the footer eg. "Securely delete or shred this information when you have finished using it".

Secure Storage of and access to data

The school will ensure that ICT systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system.

All users will use strong passwords which must be changed regularly when prompted by the Local Authority computer system. User passwords must never be shared.

Personal data may only be accessed on machines that are securely password protected. Any device that can be used to access data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.

All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.

Personal data can only be stored on school equipment. Private equipment (ie owned by the users) must not be used for the storage of personal data.

Personal data is not to be stored on portable devices, USB sticks or other removable media. If information is needed to be accessed outside of the school environment, data and information should be stored securely on the HWB+ or Office 365 encrypted services.

The school has clear policy and procedures for the automatic backing up, accessing and restoring all data held on school systems, including off-site backups which are provided by the Local Authority.

The school has clear policy and procedures for the use of "Cloud Based Storage Systems" (for example Office365) and is aware that data held in remote and cloud storage is still required to be protected in line with the Data Protection Act. The school will ensure that it is satisfied with controls put in place by remote / cloud based data services providers to protect the data.

As a Data Controller, the school is responsible for the security of any data passed to a "third party". Data Protection clauses will be included in all contracts where data is likely to be passed to a third party.

All paper based Protected and Restricted (or higher) material must be held in lockable storage, whether on or off site.

The school recognises that under Section 7 of the DPA, http://www.legislation.gov.uk/ukpga/1998/29/section/7 data subjects have a number of rights in connection with their personal data, the main one being the right of access. Procedures are in place to deal with Subject Access Requests i.e. a written request to see all or a part of the personal data held by the data controller in connection with the data subject. Data subjects have the right to

know: if the data controller holds personal data about them; a description of that data; the purpose for which the data is processed; the sources of that data; to whom the data may be disclosed; and a copy of all the personal data that is held about them. Under certain circumstances the data subject can also exercise rights in connection with the rectification; blocking; erasure and destruction of data.

Secure transfer of data and access out of school

The school recognises that personal data may be accessed by users out of school, or transferred to the LA or other agencies. In these circumstances:

- Users may not remove or copy sensitive or restricted or protected personal data from the school or authorised premises without permission and unless the media is encrypted and password protected on the Office 365 secure location;
- Users must take particular care that computers which contain personal data must not be accessed by other users (eg family members) when out of school
- When restricted or protected personal data is required by an authorised user from outside the organisation's premises (for example, by a member of staff to work from their home), they should have secure remote access to the Office 365 or Hwb+ learning platforms;
- Particular care should be taken if data is taken or transferred to another country, particularly outside Europe, and advice should be taken from the local authority in this event.

Disposal of data

The school will comply with the requirements for the safe destruction of personal data when it is no longer required.

The disposal of personal data, in either paper or electronic form, must be conducted in a way that makes reconstruction highly unlikely. Electronic files must be securely overwritten, in accordance with government guidance and other media must be shredded, incinerated or otherwise disintegrated for data.

A Destruction Log should be kept of all data that is disposed of. The log should include the document ID, classification, date of destruction, method and authorisation.

Audit Logging / Reporting / Incident Handling

It is good practice, as recommended in the "Data Handling Procedures in Government" document that the activities of data users, in respect of electronically held personal data, will be logged and these logs will be able to be monitored by responsible individuals, namely the headteacher.

The audit logs will be kept to provide evidence of accidental or deliberate data security breaches – including loss of protected data or breaches of an acceptable use policy, for example.

The school has a policy for reporting, managing and recovering from information risk incidents, which establishes:

- a "responsible person" for each incident;
- a communications plan, including escalation procedures;
- and results in a plan of action for rapid resolution; and
- a plan of action of non-recurrence and further awareness raising.

All significant data protection incidents must be reported through the SIRO to the Information Commissioner's Office based upon the local incident handling policy and communication plan.

Use of technologies and Protective Marking

The following provides a useful guide:

	The information	The technology	Notes on Protect Markings (Impact Level)
School life and events	School terms, holidays, training days, the curriculum, extra-curricular activities, events, displays of pupils work, lunchtime menus, extended services, parent consultation events	Common practice is to use publically accessible technology such as school websites or portal, emailed newsletters, subscription text services	Most of this information will fall into the NOT PROTECTIVELY MARKED (Impact Level 0) category.
Learning and achievement	Individual pupil / student academic, social and behavioural achievements, progress with learning, learning behaviour, how parents can support their child's learning, assessments, attainment, attendance, individual and personalised curriculum and educational needs.	Typically schools will make information available by parents logging on to a system that provides them with appropriately secure access, such as a Learning Platform or portal, or by communication to a personal device or email account belonging to the parent.	Most of this information will fall into the PROTECT (Impact Level 2) category. There may be students/ pupils whose personal data requires a RESTRICTED marking (Impact Level 3) or higher. For example, the home address of a child at risk. In this case, the school may decide not to make this pupil / student record available in this way.
Messages and alerts	Attendance, behavioural, achievement, sickness, school closure, transport arrangements, and other information that it may be important to inform or contact a parent about as soon as possible. This may be particularly important when it is necessary to contact a parent concerning information that may be considered too sensitive to make available using	Email and text messaging are commonly used by schools to contact and keep parents informed. Where parents are frequently accessing information online then systems e.g. Learning Platforms or portals, might be used to alert parents to issues via "dashboards" of	Most of this information will fall into the PROTECT (Impact Level 1) category. However, since it is not practical to encrypt email or text messages to parents, schools should not send detailed personally identifiable information. General, anonymous alerts about schools closures or transport

	other online means.	information, or be used to provide further detail and context.	arrangements would fall into the NOT PROTECTIVELY MARKED (Impact Level 0) category.

Appendices: Additional issues / documents related to Personal Data Handling in Schools:

Use of Biometric Information

The Protection of Freedoms Act 2012, includes measures that will affect schools and colleges that use biometric recognition systems, such as fingerprint identification and facial scanning:

- For all pupils in schools and colleges under 18, they must obtain the written consent of a parent before they take and process their child's biometric data.
- They must treat the data with appropriate care and must comply with data protection principles as set out in the Data Protection Act 1998.
- They must provide alternative means for accessing services where a parent or pupil has refused consent.

Schools are no longer able to use pupils' biometric data without parental consent. The advice came into effect in September 2013. Schools may wish to consider these changes when reviewing their Personal Data Handling Template. Schools may wish to incorporate the parental permission procedures into existing parental forms (eg AUP / Digital & Video Images permission form).

Use of Cloud Services

The movement towards tablet and other mobile technologies in schools presents both opportunities as well as challenges. Ultimately, the opportunities are around teaching and learning; the challenges are around successfully managing this pedagogical shift and taking staff, parents and pupils through this technological change. At the heart of the change is a move away from devices or systems where information is stored locally, to devices which can access data stored 'in the cloud'. Just as a PC needs to be connected to a network to get to the stored data, so must these mobile and tablet devices be connected to the cloud. Wireless access provides this connection.

Software too can sit in the cloud removing the need for locally installed suites of software. Apps offer an opportunity to create low cost, flexible learning opportunities which are device agnostic and which can create personalised learning on a new level.

Schools using the Hwb+ learning platform will have been provisioned with Office 365 which offers cloud based email, calendar and storage facilities as well as MS Office. By it's nature, Office 365 is

available on any device which is connected to the internet meaning that these cloud based services can be accessed in school or at home on smartphones, tablets, laptops, notebooks and PCs. Schools may wish to encourage a Bring Your Own Device (BYOD) approach which will require as a minimum a strengthening of the existing Acceptable Use Policy/Agreement.

Just as a school has obligations around data on its physical network, the same obligations are required when dealing with data in the cloud i.e. it is still required to be protected in line with the Data Protection Act (DPA) and may be subject to Freedom of Information (FOI) requests.

Freedom of Information

FOI may require anything you write in an official capacity to be potentially made public. This might mean you need to consider how long content is stored for and the ease of which it can be recovered from a cloud archive.
Cloud services very often are not designed for the long term storage of content, particularly transient communications with high volume like email. Schools should consider how to secure and back-up to a local system what could be sensitive or important data.

Data Protection Act

Schools, like any other organisation, are subject to the Data Protection Act (DPA) and its eight basic principles. The DPA refers to 'personal data' – this can be described generally as information which identifies an individual and is personal to an individual.

The DPA contains eight 'Data Protection Principles' which specify that personal data must be:

- Processed fairly and lawfully
- Obtained for specified and lawful purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept any longer than necessary
- Processed in accordance with the 'data subject's' (the individual's) rights
- Securely kept
- Not transferred to any other country without adequate protection

It's also worth considering that whilst not all data is 'personal', the information that is, has varying levels of sensitivity based on the impact were it to be compromised.

Safeguarding

There are also safeguarding obligations for the use of technology in schools that include (possibly in partnership with your service provider):

- Effectively monitoring the use of systems to detect potential and actual safeguarding issues
- Monitoring, alerting and responding to illegal activity

- Providing consistent safeguarding provision both within and beyond school if devices/services leave the site

Criminal Activity

Schools have an immediate obligation to report illegal or criminal activity to the Police. A detailed summary of legislation that pertains to safeguarding and schools which can be found elsewhere in this documentation.

Other services e.g. Facebook, Twitter, etc are useful cloud tools in and beyond the classroom but it is important to be aware of age restrictions here too. US Law requires any company operating within the US to comply with the Children's Online Privacy Protection Act (COPPA) which legislates against companies who store, process and manage information on children aged 13 and under and the active or targeted marketing to that age group.

Where is the cloud?

Most education systems have to make use of personal information to function. The DPA (Principle 8) states that personal data must not be transferred to any other country without adequate protection in situ. Data protection requirements vary widely across the globe. Countries in the EU approach privacy protection differently to those outside and are more stringent in the detail and responsibilities of data users than perhaps the US. Microsoft Office 365 is held in data centres in Amsterdam and Dublin.

Security concerns

Can anyone access data in the cloud centre where it sits? Data centres are required to have stringent physical interventions in place against data being compromised from internal or external access. There are sophisticated security mechanisms in place to prevent external hacking of data. Whilst this cannot always be guaranteed to be 100% safe, this sophistication is often beyond the local capability of a single school and so can be regarded as reasonable duty of care.

Access to data through devices is much more likely given that devices are going to and from school in bags, on buses, or left lying around at home or school so security now becomes much more of an issue at a user level than it ever has before. If a device goes missing or breaks, the big advantage of cloud systems is that, apart from simple local settings, content is in the cloud so data is not 'lost' in the same way as if your laptop was stolen or suffers a hard drive failure. Cloud services can offer device management systems that can lock or locate a device if missing.

Passwords and authentication are critical at any point in securing access to data but are especially so with data in the cloud.

Some points to consider are:

- Are passwords strong?
- Do users know what a strong password looks like?

- Do you insist on rolling user passwords regularly? Every 60 days? Many businesses do as good practice.
- Are users educated in good password practice? Is this backed up with a clear and reliable password policy?

Monitoring users

Local networks based on site have the advantage of being relatively easy to filter and monitor for inappropriate or illegal use and many schools will already have these systems in place. Filtering can be provided as part of a school's internet provision, particularly if they have that service delivered through the local/unitary authority. A school may choose to provide its own through a variety of commercial solutions.

However, when services move into a wider cloud-based environment hosted by an external partner it becomes more difficult to know what users are storing or accessing, particularly if their connectivity away from the school is a domestic one.

With all of those separate user folders and portfolios with their separate passwords and widely varying content, how can you be sure they are not being used to store inappropriate materials? Illegal materials? The school provides the tools e.g. Office 365 and there is therefore an expectation that the school should ensure that users are operating in a space that is safe as can be created.

Microsoft state in their user agreements that they reserve the right to actively search stored files. This means that the school also needs to be clear about what the expectations are around illegal and inappropriate content and how it intends to ensure those expectations are met. These might include:

- Clear and effective agreement through an Acceptable Use Policy or computer splash screen with "agree" button
- Positive statements around the use of technology dotted around areas where that technology might be used (particularly effective are student-designed posters)
- Active education in raising awareness of what illegal or inappropriate both mean
- Staff development in recognising and escalating reports of illegal content
- Reminders that Cloud Service Providers can and do scan content stored on their servers and that an archive exists
- Establish and communicate that One Drives provided as part of a school cloud solution will be subject to random spot checks by resetting passwords back to default to allow auditing or set the expectation that users should share their online folders with their teacher. The system has been provided for educational use so there should not be anything in there that isn't related to learning.

Managing accounts and users

Dealing with one tablet or smartphone on your own account is empowering; you can make choices about how you set it up, the apps you want; the subscriptions you choose and how many photos

or documents to store on it. Setting up tens of devices with potentially hundreds of users has a whole different set of considerations:

- The distribution and timetabling of school owned devices (particularly those that go home?)
- Can users store content locally on the tablet eg photos?
- Can school network and connectivity sustain the use of many devices?
- Is there one standard profile for everyone or can each user customise?
- How are those profiles managed or swapped?
- Are personal devices allowed to be commissioned to the school system (BYOD)?

The school uses the Meraki Mobile Device Management layer for iPads which can be critical in establishing access rights to these technologies.

If things go wrong

Like any other safeguarding issue there must be clear and rigorous incident management practice that is consistent with the school safeguarding policy ie the use of yellow concern forms to report.

- Clear and well communicated policy
- Effective routines for securing and recording evidence
- Established reporting routes that are well-communicated, respected and agreed by all
- Clearly communicated sanctions that have been agreed and shared with all users
- Audit trails that are used to shape interventions and inform future practice

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