HARMONIZE ACADEMY

DATA PROTECTION POLICY and GDPR

POLICY WRITTEN BY:	**PRINCIPAL**
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Trust, Respect, Compassion, Forgiveness

Harmonize Academy Data Protection Policy and GDPR

General Data Protection Regulation (GDPR) and The Data Protection Act 2018 (DPA) is the law that protects personal privacy and upholds individual's rights. It applies to anyone who handles or has access to people's personal data. This policy is intended to ensure that personal information is dealt with properly and securely and in accordance with the legislation. It will apply to personal information regardless of the way it is used, recorded and stored and whether it is held in paper files or electronically. In addition, this policy complies with our funding agreement and articles of association.

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.

It also reflects the ICO's guidance for the use of surveillance cameras and personal information.

Policy Objectives

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

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

The Information Commissioner as the Regulator can impose fines of up to 20 million Euros (approximately £17 million) for serious breaches of the GDPR, therefore it is imperative that Harmonize Academy and all staff and volunteers comply with the legislation.

Scope of the Policy

Personal data is any information that relates to an identified or identifiable living individual who can be identified directly or indirectly from the information[1]. The information includes factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of a living individual. This includes any expression of opinion about an individual and intentions towards an individual. Under the Data Protection Act 2018 personal information also includes an identifier such as a name, an identification number, location data or an online identifier.

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

Harmonize Academy is a data controller and is registered with the ICO and has paid the annual data protection fee.

[1] GDPR

Roles and Responsibilities
This policy applies to **all staff** employed by Harmonize Academy, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

Governing board

The governing board has overall responsibility for ensuring that Harmonize Academy complies with all relevant data protection obligations.

Data protection officer (DPO)

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable.

They will provide an annual report of their activities directly to the governing board and, where relevant, report to the board their advice and recommendations on Harmonize Academy data protection issues.

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

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Mr Carl Parkinson and is contactable via email carl.parkinson@harmonizeacademy.org or

T 0151 203 1934.

The DPO completed training 'Data protection for new DPOs', The Key, November 2024.

Principal

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

All staff

Staff are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing Harmonize Academy of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
    - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
    - If they have any concerns that this policy is not being followed
    - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
    - 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 UK
    - If there has been a data breach
    - Whenever they are engaging in a new activity that may affect the privacy rights of individuals
    - If they need help with any contracts or sharing personal data with third parties

The Principles

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

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

Transfer Limitation

In addition, personal data shall not be transferred to a country outside the EEA unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data as determined by the European Commission or where the organisation receiving the data has provided adequate safeguards[2].

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

Lawful Basis for processing personal information

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

- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Harmonize Academy
- Processing is necessary for the performance of a contract to which the data subject is party, or in order to take steps at the request of the data subject prior to entering into a contract
- Processing is necessary for compliance with a legal obligation to which the data controller is subject
- Processing is necessary in order to protect the vital interests of the data subject or of another natural person
- Processing is necessary for the purposes of the legitimate interests pursued by the data controller or by a third party[3]
- The data subject has given consent to the processing of his or her data for one or more specific purposes. Agreement must be indicated clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity are unlikely to be sufficient. If consent is given in a document which deals with other matters, the consent must be kept separate from those other matters

[2] These may be provided by a legally binding agreement between public authorities or bodies, standard data protection clauses provided by the ICO or certification under an approved mechanism.

[3] The GDPR states that legitimate interests do not apply to processing carried out by public authorities in the performance of their tasks, Article 6 However, the ICO indicates that where there are other legitimate purposes outside the scope of the tasks as a public authority, legitimate interests may be considered where appropriate (particularly relevant for public authorities with commercial interests).

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured. Consent may need to be reviewed if personal data is intended to be processed for a different and incompatible purpose which was not disclosed when the data subject first gave consent.

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

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

https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias/what-is-a-dpia/

Sensitive Personal Information

Processing of sensitive personal information (known as 'special categories of personal data') is prohibited[4] unless a lawful special condition for processing is identified.

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

Sensitive personal information will only be processed if:

- There is a lawful basis for doing so as identified on previous page
- One of the special conditions for processing sensitive personal information applies:
    a. the individual ('data subject') has given explicit consent (which has been clearly explained in a Privacy Notice)
    b. the processing is necessary for the purposes of exercising the employment law rights or obligations of the school or the data subject
    c. the processing is necessary to protect the data subject's vital interests, and the data subject is physically incapable of giving consent
    d. the processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade-union aim
    e. the processing relates to personal data which are manifestly made public by the data subject
    f. the processing is necessary for the establishment, exercise or defence of legal claims
    g. the processing is necessary for reasons of substantial public interest
    h. the processing is necessary for purposes of preventative or occupational medicine, for the assessment of the working capacity of the employee, the provision of social care and the management of social care systems or services
    i. the processing is necessary for reasons of public interest in the area of public health.

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

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

Unless the School can rely on another legal basis of processing, explicit consent is usually required for processing sensitive personal data. Evidence of consent will need to be captured and recorded so that the school can demonstrate compliance with the Data Protection Act 2018.

Sharing Personal Data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations 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:

[4] GDPR, Article 9

- Only appoint suppliers or contractors that can provide sufficient guarantees that they comply with UK data protection law
- Establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
- Only share data that the supplier or contractor needs to carry out their service

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

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 internationally, we will do so in accordance with UK data protection law.

Automated Decision Making

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

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

Data Protection Impact Assessments (DPIA)
All data controllers are required to implement 'Privacy by Design' when processing personal data.
This means the School's processes must embed privacy considerations and incorporate appropriate technical and organisational measures (like pseudonymisation) in an effective manner to ensure compliance with data privacy principles.

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

- whether the processing is necessary and proportionate in relation to its purpose
- the risks to individuals
- what measures can be put in place to address those risks and protect personal information.

Staff should adhere to the Data Protection Toolkit for Schools from the DfE with reference to the DPIA template.
https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/accountability-and-governance/data-protection-impact-assessments-dpias/what-is-a-dpia/

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

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

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

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

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

Records of processing of sensitive information are kept on:

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

Harmonize Academy will conduct regular reviews of the personal information it processes and update its documentation accordingly. This may include:

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

Privacy Notice

The school issues privacy notices as required, informing data subjects (or their parents, depending on age of the pupil, if about pupil information) about the personal information that it collects and holds relating to individual data subjects, how individuals can expect their personal information to be used and for what purposes.

When information is collected directly from data subjects, including for HR or employment purposes, the data subject shall be given all the information required by the Data Protection Act 2018 including the identity of the DPO, how and why the School will use, process, disclose, protect and retain that personal data through a privacy notice (which must be presented when the data subject first provides the data).

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

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

Harmonize Academy will issue a minimum of two privacy notices, one for pupil information, and one for workforce information, and these will be reviewed in line with any statutory or contractual changes.

Purpose Limitation

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

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

Data minimisation

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

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

The School maintains a Retention Schedule to ensure personal data is deleted after a reasonable time for the purpose for which it was being held, unless a law requires such data to be kept for a minimum time.

Staff must take all reasonable steps to destroy or delete all personal data that is held in its systems when it is no longer required in accordance with the Schedule. This includes requiring third parties to delete such data where applicable.

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

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

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

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

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

Information Security
Harmonize Academy will use appropriate technical and organisational measures to keep personal information secure, to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

All staff are responsible for keeping information secure in accordance with the legislation and must follow Harmonize Academy's acceptable usage policy.

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

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

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

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

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

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

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

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

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

- the organisation may only act on the written instructions of the school
- those processing data are subject to the duty of confidence
- appropriate measures are taken to ensure the security of processing
- sub-contractors are only engaged with the prior consent of the school and under a written contract
- the organisation will assist the school in providing subject access and allowing individuals to exercise their rights in relation to data protection
- the organisation will delete or return all personal information to the school as requested at the end of the contract
- the organisation will submit to audits and inspections, provide the school with whatever information it needs to ensure that they are both meeting their data protection obligations, and tell the school immediately if it does something infringing data protection law.

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

Storage and retention of personal information
Personal data will be kept securely in accordance with the Harmonize Academy's data protection obligations.

Personal data should not be retained for any longer than necessary. The length of time data should be retained will depend upon the circumstances, including the reasons why personal data was obtained.

Personal information that is no longer required will be deleted in accordance with Harmonize Academy's Document Retention and Disposal guidelines.

We 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, or left anywhere else where there is general access
- Where personal information needs to be taken off site, staff must sign it in and out from the school office
- Passwords that are at least 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Staff and pupils are reminded that they should not reuse passwords from other sites
- Encryption software is used to protect all portable devices and removable media, such as laptops and 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 (see our [online safety policy / ICT policy / acceptable use agreement / policy on acceptable use])
- 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.

Data breaches
A data breach may take many different forms:

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

The school will make all reasonable endeavours to ensure that there are no personal data breaches.

When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. 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

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

Staff and volunteers should ensure they inform their line manager/DPO/Principal immediately that a data breach is discovered and make all reasonable efforts to recover the information, following the school's agreed breach reporting process.

Training
Harmonize Academy will ensure that all governors and staff are adequately trained regarding their data protection responsibilities. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

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

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

If you have any questions or concerns about this policy, you should contact the school's DPO contact, Mr Carl Parkinson, Vice Principal.

Review and Monitoring of Policy
This policy will be updated as necessary to reflect best practice or amendments made to the DPA 2018. The DPO is responsible for monitoring and reviewing this policy. This policy will be reviewed annually and approved by the full governing board.

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

Glossary

Automated Decision-Making (ADM): when a decision is made which is based solely on automated processing (including profiling) which produces legal effects or significantly affects an individual. The Data Protection Act 2018 prohibits automated decision-making (unless certain conditions are met) but not automated processing.

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

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

Data Controller means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. It is responsible for establishing practices and policies in line with the Data Protection Act 2018. The school is the Data Controller of all personal data relating to its students, parents and staff.

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

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

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

EEA: the 28 countries in the EU, and Iceland, Liechtenstein and Norway.

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

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

Personal data is any information relating to an identified or identifiable living individual (data subject) who can be identified, directly or indirectly by reference to an identifier such as a name, identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Personal data includes sensitive personal data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed. Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

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

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

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

- Governors
- Parents and Carers
- Staff
- Students
- Suppliers

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

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

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

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

Monitoring arrangements
The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed **annually** and shared with the full governing board.

Links with other policies
This data protection policy is linked to our:

- Document Retention and Disposal Policy
- E-Safety: Responsible Use of ICT for Students and Staff Policy
- Information Asset Register
- Social Media Policy
- Safeguarding Policy:
  Appendix F – Photographs / Images and Online Usage
  Appendix G – Photographic / Filming Equipment at Events

See https://www.gov.uk/guidance/data-protection-in-schools/updates
See https://www.gov.uk/guidance/data-protection-in-schools/dealing-with-subject-access-requests-sars

Appendix 1 Subject Access Requests
Harmonize Academy Procedure for Access to Personal Information

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

Under the GDPR and the Data Protection Act 2018 an individual (e.g. pupil, parent or member of staff) has a right to request access to their own personal information. In certain circumstances requests may be made by a parent on behalf of their child (see explanation below).

The Education (Pupil Information) (England) Regulations 2005 gives parents the right of access to curricular and educational records relating to their child.

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

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

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

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

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

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

- the purposes for processing their data;
- the categories of personal data concerned;
- the recipients or categories of recipient you disclose the personal data to;
- your retention period for storing the personal data or, where this is not possible, your criteria for determining how long you will store it;
- the existence of their right to request rectification, erasure or restriction or to object to such
- processing;
- the right to lodge a complaint with the ICO or another supervisory authority;
- information about the source of the data, where it was not obtained directly from the individual;
- the existence of automated decision-making (including profiling); and
- the safeguards you provide if you transfer personal data to a third country or international organisation.

Much of this information is already included in our privacy notices.

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

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

3. Information relating to children
Children have the same rights of access to their own personal information as adults, and the same rights of privacy. There is no minimum age in English law, however current practice accepts that, provided a child is mature enough to understand their rights, a child of, or over the ageof12 years shall be considered capable of giving consent. This does not rule out receipt of a valid request from a child of a younger age, as each request should be considered on its merits on an individual basis.

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

If a parent or legal guardian makes a request on behalf of a child age 12 and over the request will only be complied with when assurances are received that the child has authorised the request and that their consent was not obtained under duress or on the basis of misleading information. If the child does not understand, then a request from a parent or legal guardian for the child's information will only be complied with when assurances are received that they are acting in the best interests of the child.

For children Accessing internet services where consent is required the age is 13 years and above

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

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

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

5. Charges
Under GDPR & DPA: Should the information requested be personal information that **does not** include any information contained within educational records the school cannot make a charge, unless the request is manifestly unfounded or excessive. You may charge a "reasonable fee" for the administrative costs of complying with the request. The School can also charge a reasonable fee if an individual requests further copies of their data following a request. You must base the fee on the administrative costs of providing further copies.

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

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

Third Party information: If the information held identifies other people, then it will sometimes be right to remove or edit that information so as not to reveal the identity of the third parties, unless the third parties have agreed to the disclosure. (This is less likely to apply to information identifying teachers or other professionals unless to disclose it would cause them serious harm.) Reasonable steps must be taken to obtain third party consent to disclosure. If the third parties cannot be located or do not respond it may still be reasonable to consider disclosure if the information is of importance to the data subject. The school must still adhere to the **one month** statutory timescale.

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

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

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

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

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

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

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

CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will follow the ICO's guidance for the use of CCTV, and comply with data protection principles.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to Mr Carl Parkinson, Vice-Principal.

CCTV footage is stored for 20 days on site on a local network with no external access and then over-written on a 20-day cyclical basis.

Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school.

We will obtain written consent from parents/carers for photographs and videos to be taken of pupils for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil. Where we don't need parental consent, we will clearly explain to the pupil how the photograph and/or video will be used.

Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation. However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where Harmonize Academy takes photographs and videos, uses may include:

- On school notice boards and in school brochures, 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 Safeguarding policy for more information on our use of photographs and videos.

See https://www.gov.uk/guidance/data-protection-in-schools/taking-and-using-photos-and-videos-and-using-cctv-in-schools

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. Harmonize Academy 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, Harmonize Academy will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 3.

See https://www.gov.uk/guidance/data-protection-in-schools/generative-artificial-intelligence-ai-and-data-protection-in-schools

7. Complaints

Complaints about the above procedures should be made to the Data Protection Officer (DPO) who will decide whether it is appropriate for the complaint to be dealt with in accordance with the school's complaint procedure.

Complaints which are not appropriate to be dealt with through the school's complaint procedure can be dealt with by the Information Commissioner. Contact details of both will be provided with the disclosure information.

8. Contacts

If you have any queries or concerns regarding individuals' tight of access to their own personal information, please contact your school DPO:

Mr Carl Parkinson
Harmonize Academy
7 Phillimore Road
Liverpool
L6 6DL

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

Appendix 2 Harmonize Academy Subject Access Request Form

[Insert date]

Harmonize Academy

7 Phillimore Road

Liverpool L6 6DL

Re: subject access request

Dear *Mr Parkinson*

Please provide me with the information about me that I am entitled to under the General Data Protection Regulation. This is so I can be aware of the information you are processing about me, and verify the lawfulness of the processing.

Here is the necessary information:

Name	
Relationship with the school	Please select: Student / parent / employee / governor / volunteer Other (please specify):
Correspondence address	
Contact number	
Email address	
Details of the information requested	Please provide me with: *Insert details of the information you want that will help us to locate the specific information. Please be as precise as possible, for example:* • *Your personnel file* • *Your child's medical records* • *Your child's behavior record, held by [insert class teacher]* • *Emails between 'A' and 'B' between [date]*

If you need any more information from me, please let me know as soon as possible.

Please bear in mind that under the GDPR you cannot charge a fee to provide this information, and in most cases, you must supply me with the information within 1 month.

If you need any advice on dealing with this request, you can contact the Information Commissioner's Office on 0303 123 1113 or at www.ico.org.uk

Yours sincerely,

Name

Appendix 3 Harmonize Academy Personal Data Breach Procedure

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 or data processor must immediately notify the DPO, Mr Carl Parkinson in person or by emailing him directly: carl.parkinson@harmonizeacademy.org
- 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
- 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
- Staff and governors will co-operate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary. (Actions relevant to specific data types are set out 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
- The DPO will work out whether the breach must be reported to the ICO. This must be judged on a case-by-case basis. To decide, the DPO will consider whether the breach is likely to negatively affect people's rights and freedoms, and cause them any physical, material or non-material damage (e.g. emotional distress), including through:
    - Loss of control over their data
    - Discrimination
    - Identify theft or fraud
    - Financial loss
    - Unauthorised reversal of pseudonymisation (for example, key-coding)
    - Damage to reputation
    - Loss of confidentiality
    - Any other significant economic or social disadvantage to the individual(s) concerned

    If it's likely that there will be a risk to people's rights and freedoms, the DPO must notify the ICO.
- The DPO will document the decision (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 in a password protected file on the school's computer system.

- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website within 72 hours. 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. 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
- The DPO will also assess the risk to individuals, again based on the severity and likelihood of potential or actual impact. If the risk is high, the DPO will promptly inform, in writing, all individuals whose personal data has been breached. This notification will set out:
    - 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 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 in a password protected file on the school's computer system.

  The DPO and the principal will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

Actions to minimise the impact of data breaches

We will take the actions set out below to mitigate the impact of different types of data breach, 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.

An example of this could be:

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 ICT department to recall it

- In any cases where the recall is unsuccessful, the DPO will consider whether it is 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 we receive 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 of its local safeguarding partners

For other types of breach, please contact the DPO:

Mr Carl Parkinson
Harmonize Academy
7 Phillimore Road
Liverpool, L6 6DL
T 0151 203 1934
E carl.parkinson@harmonizeacademy.org