

# The UK GDPR: training handout Turton School

## What is the UK GDPR?

The UK GDPR is a set of guidelines for the collection and processing of personal information from individuals. As a result of the EU exit, which was completed on 1 January 2021, the UK needs to have its own data protection regulations written in UK law. Under the European Union (Withdrawal Agreement) Act 2020, the previous GDPR, which applied to all EU countries, has now been brought into UK law as the UK GDPR.

Here are some important definitions:

- **Personal data** – information that can identify an individual, such as an address.
- **Sensitive data** – information consisting of racial or ethnic origin, political opinions, religious or philosophical beliefs, etc.
- **Data subject** – an individual who is the subject of personal data
- **Data controller** – a person, or organisation who determines the purposes and ways that data is processed.
- **Data processor** – any person, or organisation, that processes data on behalf of the data controller.
- **Data protection officer** – the person(s) responsible for ensuring the school is compliant with data protection legislation.

## Lawful bases

To process personal data, you must have a valid lawful basis. Under the UK GDPR, there are six available lawful bases for processing – this section provides a brief introduction to each basis.

**Consent** – the individual has given clear consent for you to process their personal data for a specific purpose.

**Contract** – the processing is necessary for a contract that you have with the individual, or because they have asked you to take specific steps before entering into a contract.

**Legal obligation** – the processing is necessary for you to comply with the law (not including contractual obligations).

**Vital interests** – the processing is necessary to protect someone's life.

**Public task** – the processing is necessary for you to perform a task in the public interest or for your official functions and the task or function has a clear basis in law.

**Legitimate interests** – the processing is necessary for your legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests.

The two most common lawful bases that schools use are **public task** and **legal obligation**.

**Myth buster:** It is often assumed that you always need consent to process data – **this is not true**. Consent is only one of the six lawful bases and, in the case of schools, consent is not likely to be required for the core operations of running the school, but it is likely to be required for non-core operations such as marketing.

## Children's data

Children need particular protection when you are collecting and processing their personal data because they may be less aware of the risks involved.

Turton School has a child-friendly privacy notice which are written in an age-appropriate way, to explain the ways in which the school processes pupils' data.

## Individuals' rights

Under the UK GDPR, individuals have rights in relation to their personal data – these are as follows:

- The right to be informed
- The right of access
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision-making and profiling

## The DPO

Your DPO is Cathy Bach. DPOs are there to make sure schools are compliant with data protection legislation. Any questions that you have regarding the UK GDPR can be directed to her.

## Data security

Schools need to have appropriate security measures in place to prevent breaches of personal data that the school holds. The UK GDPR does not define the security measures that should be in place – it just requires you to have a level of security that is ‘appropriate’ to the risks presented by your processing.

The data security measures in place in our school are set out in the cyber security policy and data protection policy.

## Data breaches

A personal data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. Examples of data breaches include an unauthorised third party accessing personal data and devices containing personal data being lost or stolen.

If a breach occurs, the likelihood of the risk to people’s rights and freedoms needs to be established – if risk is likely, the Information Commissioner’s Office must be notified within 72 hours.

If a breach is likely to result in a high risk to the rights and freedoms of individuals, the individuals must be informed as soon as possible.

If you are concerned that a data breach may have occurred, you need to speak to the school’s DPO as soon as possible.

## FAQ – the UK GDPR in the classroom

### Are images of children considered to be personal data?

An image of a child is considered to be personal data under the UK GDPR. If a school wishes to use pictures of children, e.g. on the school website, a lawful basis for processing that personal data needs to be identified. We ask for photo consent.

### How long should we keep information for school trips and visits?

The school’s retention policy is outlined in our Record Management Policy – we expect trip information to be shredded once you return from the trip.

### What can and can’t be displayed on classroom and corridor walls?

In terms of photographs, you should avoid identifying pupils wherever possible – if names are required on displays as well as photos, only first names should be used.

Photographs and videos taken by staff on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained.

It is perfectly reasonable to display pupils’ work around the school and to include their full name, consent would not be needed.

### What does the UK GDPR mean in terms of USB sticks?

Don’t share USBs if possible – it makes it difficult to know what they’ve been used for and what they contain.

## Important documents and contact details

Your DPO is Cathy Bach. If the DPO is unavailable, please contact any member of leadership

The following school policies and procedures contain further information about our data protection responsibilities and the measures in place at the school to ensure data is kept safe:

- Data protection policy
- Record management policy
- Freedom of information policy
- GDPR personal data log
- Subject access request policy
- Turton School publication scheme
- Disaster IT recovery plan
- Cyber security policy
- Privacy notices for students and their families, for school direct salaried trainees, for the school workforce and for community users.