

PREPARING FOR THE GENERAL DATA PROTECTION REGULATION





What is it and what does it mean for you?

This presentation summarises what the general data protection regulation (GDPR) is and how it affects schools.

The GDPR will apply in the UK from 25 May 2018. The government have confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR.

What is the GDPR?



The GDPR is a regulation which will provide a single data protection framework for members of the EU. By operating from one set of rules, the Council of the European Union aims to prevent conflicting national data protection rules.

The most impacted areas will likely include the management of IT infrastructure, communications and technology, personnel records and the maintenance of documentation.

If a school is already compliant with the current Data Protection Act, most of their procedures will remain compliant under the GDPR; however, the new regulation does include new elements and enhancements that will require new and/or amended procedures within school.

As certain elements of the GDPR will affect different organisations to varying degrees, the Information Commissioner's Office (ICO) recommends mapping out the part of the GDPR which will have the greatest impact on your school and to plan accordingly.

How will the GDPR affect schools?



Proposed structure across our

DPO – Kirsten McClaren			Named Trustee	
Data protection Administrator Krystyna Biddles		Data protection Administrator Kirsten McClaren		Data protection Administrator Sarah Puffett (To review LH)
Data Protection Lead Head teacher Langmoor	Data Protection Lead Head teacher Glenmere	Data Protection Lead Head teacher Little Hill	Data Protection Lead Head teacher Fernvale	Data Protection Lead Head teacher Hinckley Park
Data Protection Lead Governor	Data Protection Lead Governor	Data Protection Lead Governor	Data Protection Lead Governor	Data Protection Lead Governor
Office Staff	Office Staff	Office Staff	Office Staff	Office Staff
All Staff (head teachers to organise)	All Staff (head teachers to organise)	All Staff (head teachers to organise)	All Staff (head teachers to organise)	All Staff (head teachers to organise)



Time Scales & Action Plan moving forward

4th May 9am at Langmoor - training given to head teachers by Business Managers and CEO. Discussion held of how to move forward and plans.

18th May Policy review day at Langmoor all day.

By 25th May CEO to have shared presentation with Trustees and to have a Trustee named and to seek training linked to GDPR.

By 25th May training by Business Managers on software packages from the LA given to each head teacher.

By 25th May all head teachers to have shared presentations and information with **ALL** Staff.

Head Teachers to organise how each school will implement, ensure compliance using documentation below.

By the start of the new academic year all paperwork, policies and procedures delivered and operational across trust and each school – Kirsten, Sarah and Peter to prepare.

How will the GDPR affect schools?



Accountability

Schools must be able to prove their compliance with data protection principles by having effective policies and procedures in place.

Privacy

There are additional requirements for the content of privacy notices, including details of your legal basis for processing data, the length of data retention periods and an individual's right to complain to the ICO. Information within privacy notices must be provided in clear and concise language.

Individuals' rights

To meet requirements of the new right to 'data portability', which is an enhanced form of subject access, schools must ensure that data is provided in a commonly used, electronic format. The main rights for individuals under the GDPR, which schools must uphold, now include: subject access, to have inaccuracies corrected, to have information erased, to prevent direct marketing, and data portability.

How will the GDPR affect schools?



Subject access

The timeframe in which to comply with subject access requests (SARs) has been reduced from 40 days to one month. Unfounded or excessive SARs can be charged or refused. Policies and procedures must be in place to demonstrate the criteria and grounds for refusing to comply with an SAR. Additional information needs to be provided to those making an SAR, including the school's data retention period and the right to have inaccurate data corrected.

Data protection by design and impact assessments

It will be a legal requirement for schools to adopt a 'privacy by design approach', and carry out a privacy impact assessment.

Consent

Consent has to be a positive indication of agreement to personal data being processed, not inferred from silence, inactivity or pre-ticked boxes, and the data controller must be able to demonstrate that consent was given.



How will the GDPR affect schools?

Children

Special protection is given to children's personal data; therefore, schools will need the consent of a parent/guardian to lawfully process a child's data. Privacy notices for collecting children's data must be written in a language that children will understand.

Data breaches

A breach notification duty will apply to schools – this means that all breaches that are likely to cause an individual to suffer from damage, such as identity theft or a confidentiality breach, must be reported to the ICO. Failure to report a breach could result in a fine, as well as receiving a fine for the breach itself.

Data protection officers

Schools carrying out regular and systematic monitoring of data subjects on a large scale will be required to appoint a data protection officer.

Legal basis

A school's legal basis for processing personal data must be explained in privacy notices.



Preparing for the GDPR

If preparation is left until the last minute, schools may find it difficult to become compliant in time for the GDPR coming into effect. To avoid this happening, the ICO recommends taking the following steps in preparation for the implementation of the GDPR.

1. **Awareness** – Ensure decision makers and relevant staff are aware of the law change, doing so in a way that allows them to appreciate the impact it will have.
2. **Information held** – Create a record of what personal data the school holds, where it came from and who it is shared with, as it may be necessary to organise an information audit.
3. **Communicate privacy information** – Review the school's privacy notices and draw up a plan to make any necessary amendments in time for the GDPR coming into effect.



Preparing for the GDPR

4. **Individuals' rights** – Ensure the school's procedures cover all the rights of individuals, including for the deletion of personal data and data portability.
5. **Subject access requests** – Update school procedures and draw up a plan for handling requests within new timescales and for providing additional information.
6. **Processing personal data: legal basis** – Identify the school's legal basis for carrying out the types of data processing that is carried out by the school and document the rationale. Think about how the changes to individuals' rights may affect the school's legal basis; for instance, data subjects have a stronger right to have their data deleted if your legal basis is consent.
7. **Consent** – Review the school's procedures for obtaining consent, bearing in mind whether any changes will need to be made.
8. **Children** – Consider implementing systems to verify individual children's ages and to gather parental/guardian consent for processing children's data.

Preparing for the GDPR



9. **Data breaches** – Ensure the school has implemented the correct procedures for detecting, reporting and investigating personal data breaches.

10. **Data protection by design and data protection impact arrangements** – Using the ICO’s guidance on privacy impact assessments, work out how and when to implement them in school.

11. **Data protection officers** – Appoint a designated data protection officer, if necessary, or assign someone the responsibility for data protection compliance, and assess where, within the school’s structure, it is appropriate for someone to take on this role.



Steps to take now

- 1. Awareness and leadership across the trust**
- 2. Review the information you hold and how and why you process (SharePoint, excel, Asset Register.)**
- 3. Third party data sharing contracts**
- 4. Review privacy notices and retention and destruction policy**
- 5. Review procedures for individual rights and SARs**
- 6. Review how you obtain consent**
- 7. Data breach management**
- 8. Privacy by design**
- 9. Take the opportunity to review staff practices**
- 10. Consider training/re-education needs of staff**

GDPR awareness training for all Staff



- Training staff is the first step in taking a whole-school approach to GDPR compliance.
- A short 3 minute video has been designed to ensure all staff in school, from the headteacher to the premises officer, know and understand what data protection really means and their role in helping your school comply with the GDPR.
- The following video can be found by clicking on the link:
<https://www.gdpr.school/free-resources/>
- This can be delivered to all school staff, saved to your resource area on GDPRiS, in order that staff can view as many times as required.



Understanding the Legal Basis for Processing Data

- No data can be processed unless there is a legal basis for processing.
- It is important that schools understand the meaning of this term and can identify which legal basis should be used, where and when.
- This short video will help to bring clarity to each reason and help schools make the best choice for justifying personal data processing.
- The following video can be found by clicking on the link:
<https://www.gdpr.school/training-resources/>
- This can be delivered to all school staff, saved to your resource area on GDPRiS, in order that staff can view as many times as required.
- To find our more and access free resources log onto www.gdpr.school

Resources available on LTS Online:



- **Governor Development Services** page contains guidance to help schools and academy trusts prepare for GDPR which comes into effect on **25th May 2018**
- **How do I find the resources?**
- Log onto LTS Online
- Select **Resources** and choose **Governor Development Service**
- Select the link for **General Data Protection Regulation (GDPR)**
- Governor Development Resources are available on LTS online
- Various links to documents and guidance to different aspects of GDPR ie: Fair processing and privacy notice, checklists
- Templates and model documents available ie: supplier letter
- <https://secure2.sla-online.co.uk/v3/Resources/Page/9359>



- Each school that buys the GDPRiS platform from LEAMIS will receive unique registration details, which has been sent to LEAMIS in preparation for the platform training session.
- You will also need your school's Verification Code as you have been assigned as DPStaff. This will be given to you by LEAMIS or in the school's Welcome Email from GDPRiS. In addition you will have links to:
 1. GDPRiS Welcome Pack which contains information on GDPRiS
 2. A timeline of the changes that are going to occur between now and May 2018, when GDPR changes come into effect
 3. A tracker document that you can use to check your progress to GDPR compliance
 4. The first-time login process, which guides you through how to log in to the portal and create your first user
 5. Building a School Data Eco System
 6. Logging into Multiple Schools



- Click on the url from the GDPRiS registration email.
- The system has generated username based on the email address supplied to LEAMIS.
- Enter a password and save and the Verification Code
- Once logged into the system add the key data leads
- Complete School Profile, you will need ICO Number, DP Officer and email address, Headteacher name and email address and Main school contact name and email address.
- Upload school logo if required.
- Please contact LEAMIS if you require bulk access to a number of school sites and include school names.
- Bulk access will be setup by LEAMIS and the user will only one logon and password.



- Run report from SIMS to extract a current staff report that includes forename, surname and email address and save as csv file.
- Export to LEAMIS via AVCO using Adhoc file
- Work within your group of schools, if appropriate to compile a supplier list, which includes Supplier name, email address, company address including post code, contact telephone number and product.
- Check to see if the list of suppliers are already on GDPRiS and remove from list, send remaining suppliers to be added to the platform via AVCO to LEAMIS as before.
- Problems logging onto GDPRiS , missing staff or suppliers and 1st line support queries on the GDPRiS platform please contact LEAMIS via 0116 2311 280 or email servicedesk@leamis.org.uk

New Data Protection Principles



- The GDPR requires:
 - (a) Data to be processed lawfully, fairly and in a **transparent** manner;
 - (b) Data to be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
 - (c) Processing of data should be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- (d) Data to be accurate and, where necessary, kept up to date; inaccurate data should be erased or rectified without delay;
- (e) Data to be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- (f) Data to be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
- The data controller will be responsible for, and must be able to demonstrate, compliance with these principles as well as accountability.

New Provisions in respect of children



- **Privacy notices for children**
- Where services are offered directly to a child, you must ensure that your privacy notice is written in a clear, plain way that a child will understand.
- **Online services offered to children**
- If you offer an online service to children, you may need to obtain consent from a parent or guardian to process the child's data.
- The GDPR states that, a child under the age of 16 can't give that consent themselves and so must be from a person holding 'parental responsibility'. It will allow member states to provide for a lower age in law, as long as it is not below 13.
- The GDPR emphasises that protection is particularly significant where children's personal information is used for the purposes of marketing and creating online profiles.
- Parental/guardian consent is not required where the processing is related to preventative or counselling services offered directly to a child.



Additional paperwork to share and discuss

***ICO – 12 Steps for the
General Data Protection Regulation (GDPR)***