



Policy No: 1h(1)

OUR LADY'S ABINGDON (OLA) CONFIDENTIALITY AND INFORMATION SHARING POLICY

Document Details

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| Information Sharing Category | School Domain |
| Version | 1 |
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| Authorised by (if required) | Head |
| Responsible Area | Leadership Team |

We comply with the Government guidance and regulations, currently in force, regarding COVID.

Availability: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school.

Monitoring and Review:

Reviewed: September 2021

Next Review: September 2022

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| Chief Operating Officer (COO) | Head | Chair of Governors |
| Mr Prav Karian | Mr Daniel Gibbons | Freddy El Turk |
| Signed:  | Signed:  | Signed:  |

1. Introduction to data protection

<https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notice> (Nov 2021)

The Data Protection Act (2018) sets out in UK law the legal framework with which education settings and local authorities must comply when they process personal data. Providing accessible information to individuals about the use of their personal information (data) is a key element of their legal right to transparency as set out in the UK General Data Protection Regulation (UK GDPR). Data Controllers and Data Processors are responsible for providing this information and all education settings and local authorities are classed as data controllers and may also be data processors in their own right and, as such, they have a duty to inform pupils, staff and parents (known as Data Subjects) on how they process the data that is within their control.

2. Definitions

- **Data controller** - The organisation (OLA) who (either alone or in common with other people) determine the purpose for which, and the way data are processed.
- **Data Processor** - A person or organisation who process data on behalf of and on the orders of a controller
- **Data Subject** – the person about who you are processing data.
- **Data Protection Officer** – the COO at OLA who is responsible for data protection issues within the organisation.
- **Personal Data** is classed as any information which on its own or in conjunction with other information available to a Data Controller can identify a Data Subject.
- Some Personal Data is classed as being part of a special category and if you control or process special category you need additional reason to process the data. UK GDPR specifically defines 'special category' as data relating to:
 - racial or ethnic origin
 - political opinions

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- religious or philosophical beliefs
- trade-union membership
- health or sex life
- Data relating to criminal offences is also afforded similar special protection.

For the purposes of data protection legislation, the terms ‘process’, ‘processed’ or ‘processing’ apply to any activity involving the personal data, such as:

- Collecting
- Storing
- Sharing
- destroying

3. Confidentiality, information sharing in relation to OLA Safeguarding

There are many occasions where internal information sharing is vital for pupil welfare and safeguarding. In these instances, information is only shared and circulated with essential members of staff, strictly on a need to know basis. If a pupil shares a safeguarding concern with a staff member, our Safeguarding Policy is clear that we cannot promise confidentiality with regards to that information, with the pupil. This is always stated in any meetings with the pupil and is a vital aspect of our safeguarding processes.

4. Privacy notices

The privacy notice is a document that is used to set out OLA’s policies (in plain and simple language) in relation to how we process data that is within our control. We aim to be transparent in how personal data is used and our privacy notice is made available on OLA’s website for pupils and parents and is highlighted as part of any data collection process at the start of each school year. For new staff members, the privacy notice is included as part of an induction pack and is available on the staff notice board. Existing staff members are made aware of the privacy notice at the start of each school year. Privacy Notices are reviewed by the COO on at least an annual basis and whenever a significant change is made to how OLA processes personal data.

A good privacy notice will:

- be written in clear language the data subject will understand
- be truthful and in no way misleading
- contain the following sections:
 - Who the Data Controller and Data Processors are
 - the categories of data collected / processed
 - why the data is collected (purpose)
 - how the data is used (processed)
 - the lawful basis for processing the data
 - how and where the data is stored and how long for, and how security is ensured
 - who / which organisations data is shared with and why
 - what those organisations will do with the data
 - the individual’s rights over their data (including right of access) and how they can exercise them
 - contact details for the data protection lead (for queries)
 - contact details for the Information Commissioner’s Office in the event the data subject wishes to make a compliant
- highlight any changes made to the way the personal data is processed
- be easily accessible to pupils / parents / staff
- Where OLA is processing special categories of personal data (such are race, religion or health details) we need to list the additional lawful basis for that data.

5. Categories of information processed

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OLA will process many individual data items for our pupils and/or staff members. Under UK GDPR, OLA is expected to be transparent about which of the categories of information that we process. Grouping data items about pupils into the following areas was found to be the most workable set of data item groups:

- Admissions
- Attainment
- Attendance
- Behaviour
- Exclusions
- personal identifiers, contacts and pupil characteristics
- identity management/authentication
- catering and school meal management
- trips and activities
- medical information and administration
- safeguarding and special educational needs

Within the privacy notice, alongside the category of data, OLA includes an example of the data, to identify to the data subject what types of data fall into that category. Examples include:

- personal identifiers, contacts and characteristics (such as, name, unique pupil number, contact details and address)
- attendance (such as sessions attended, number of absences and reason for absence)
- staff contract information (such as, hours worked, job role and salary information)
- information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information)

OLA's Privacy notices reflect local needs and circumstances, as we process data that isn't solely for use within data statutory collections, including, for example how we process data in support of school trips or our social media policy for personal data which appears on websites.

6. Why personal data is collected: OLA collects individual pupil/staff data for several reasons which are stated in our privacy notice. The purposes of the processing, as well as the lawful basis for processing are clearly stated.

7. Purpose: This information is used to:

- provide the child with an education
- allocate the correct teaching resource
- provide any additional support
- to ensure safety of pupils whilst in our care

OLA is also mindful of the pupil registration regulations, which define the information, required to be held in our admissions and attendance registers.

8. Lawful basis:

Data subjects need to know which data is being collected on which basis, so they understand how to exercise their rights. UK GDPR states that OLA must include the lawful basis to why processing specific personal data is necessary for that task collecting and using personal data.

The basis is limited to the following list

- **Consent:** the individual has given clear consent for OLA to process their personal data for a specific purpose.
- **Contract:** the processing is necessary for a contract OLA has with the individual, or because they have asked OLA to take specific steps before entering into a contract.
- **Legal obligation:** the processing is necessary for OLA 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 OLA to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

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- **Legitimate interests:** the processing is necessary for OLA's 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.

Where the data processed is a 'special category' the list detailed in [3.2.2 Lawful basis \(Explanation of privacy notices\)](#) is required. We do process some sensitive information about children that is not set out in the legislation as a 'special category personal data'. Notably information about children's services interactions, elements of special educational need information, safeguarding information and some behaviour data. We consider it best practice that when considering security and business processes about such data, that they are also treated with the same 'high status' as the special categories set out in law.

As well as using this information for our own needs, some of our data is also shared with other people or organisations, most frequently with Oxfordshire County Council (where applicable) and the Department for Education (DfE) due to legal obligation / data collection requirements. We may also share for reasons of safeguarding or to organise events and trips.

Data collected specifically for the DfE is required under legislation and this legislation meets the collection requirement under the UK GDPR lawful basis 'legal obligation' as to why the setting collects this data. Most other data that OLA needs to collect, besides that for which they have a legal obligation, will fall under the lawful basis of 'public task'.

Most of the OLA's processing will not be done on the basis of consent. Consent is not relied upon for any processing essential for OLA performing public tasks and for data in a pupil's education record. Where OLA collects data on the basis of consent (example – use of pupil photos on websites, social media), OLA ensures that this is explained in a privacy notice covering that type of processing, at the point at which consent is being obtained.

9. Collection of personal data: OLA usually collects information regarding our pupils and staff members, through:

- registration forms
- medication forms
- Common Transfer Files (CTFs) from previous schools
- staff contract information
- child protection plans

Where data is collected within a mandatory data collection process, some specific items might be voluntary in nature. OLA brings this to the attention of the parent / guardian / staff member at the point of collection to comply with data protection legislation. Where an individual has declined to provide voluntary data items that are lawfully shared with the Department, it is not possible for that individual to opt out of the whole DfE specified data collection, however the fields they have declined to provide should be returned using the code 'refused'. This applies to certain items of personal data which must be self-declared by the data subject (for example, ethnicity). Some key information may be required as it is considered 'essential for OLA's operational use'. An example being, parental contact information – It is not mandatory, but it is essential.

10. Storing personal data: To comply with data protection legislation, OLA clearly defines our individual data retention (how long we keep the information) and data security policies. Different types of data are held at OLA for different timescales. More information on data retention is available in the Department's Data Protection toolkit for schools document. Some data may need to be kept for a minimum period for legal purposes for example if it relates to financial decisions.

11. Who data is shared with: The privacy notice lists all instances of routine data sharing. This is data shared on a regular basis. Any instances of one-off transfers or ad-hoc requests are not listed. Any such sharing must also have a lawful reason.

12. Why data is shared: OLA supplies the reasons for sharing and any relevant legislation that allows the sharing of the data. OLA is a data controller in its own right and makes decisions as to whether we share personal data with other organisations. OLA ensures that there is a clear business need, relevant lawful reason and that our data protection officer is in support of the data sharing. With regard to statutory data collections to the DfE, OLA will state the relevant legislation for each data collection we participate in.

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13. Requesting access to personal data and contact information: Under data protection legislation, parents, pupils and staff have the right to request access to information about them that OLA holds. They may also have the right (depending on the lawful basis) to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

If a child is considered too young to exercise their rights, a parent or carer may act on their behalf, but OLA will need to consider the best interests of the child before responding. For more information about responding to subject access requests raised on behalf of children please refer to the ICO website.