

Committee(s)	Dated:
Board of Governors of the City of London Freeman's School	6 June 2018
Subject: Data Protection/General Data Protection Regulation - update	Public
Report of: The Headmaster	For Information

Summary

Following the introduction of the European General Data Protection Regulation (GDPR), the law concerning Data Protection changed on 25th May, 2018.

This reports gives Governors an update on how the Freeman's School has implemented the additional requirements in terms of how, where and why we process personal data, including fundraising data.

Recommendation(s)

Members are asked to:

- Note the report.

Main Report

Background

1. In 2016 the European General Data Protection Regulation changes were announced, with an implementation date of 25 May 2018. Since the announcement, Freeman's has been monitoring information updates regarding the GDPR and preparing for the changes.

Current Position

The UK Data Protection Bill was published on 14 September 2017. This bill does not replace or contradict the GDPR. The law aims to modernise data protection laws to ensure they are effective in the years to come. More information at <https://ico.org.uk/data-protection-bill>

The City of London Corporation has provided a series of training sessions, which Freeman's staff have attended; launched an on-line training package and provided a seminar for Governors (24th April 2018).

The main items for consideration for Freeman's were:

Item	Progress
Data Audit (ROPA = Record of processing activities)	<ul style="list-style-type: none">Launched November 2017 completed February 2018 – ongoing 'live' document
Raise Awareness/Training	<ul style="list-style-type: none">Governor's updates June 2017 verbal, November 2017 reportStaff updatesStaff training (City online course), ISBA plus City DPO specific training.
Privacy notices	Yes. Parents, pupils, staff and alumni (all bar staff one are attached for reference). Staff one is subject to a separate report on this agenda.
Data processing contracts	Substantially implemented as majority through City. Sodexo contract being tendered therefore awaiting outcome.

Freeman's also commissioned the Independent Schools Bursar's Association (ISBA) to have an overview of our progress towards implementing the required changes. This review indicated that we were ahead of the field in terms of preparedness.

Options

1. There are no options associated with this legislation.

Proposals

2. There are no additional proposals related to this update.

Corporate & Strategic Implications

3. The Corporation's Information Officer (Data Protection Officer) held briefing meetings for all Corporation staff. Freeman's staff attended these briefings.

Implications

4. Consideration is being given to employing a compliance officer to assist with this and also Health and Safety legislation. Staff at Freeman's have received regular updates and are monitoring the implementation of the new law and its impact.

Conclusion

5. The new Data Protection Act came into law on 25th May 2018.

Appendices

6. Privacy notices

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City of London Freemen's School

Privacy Notice and annexes

The EU General Data Protection Regulation (GDPR) includes rules on giving privacy information to those whose data is held by an organisation (data subjects). These are more detailed and specific than in the DPA and place an emphasis on making privacy notices understandable and accessible. Data controllers are expected to take 'appropriate measures' to ensure that this is the case.

The school interprets this as using very clear language to outline each of the responsibilities for each of the data subject groups.

The GDPR says that the information provided to data subjects about how the school processes their personal data must be:

- concise, transparent, intelligible and easily accessible;
- written in clear and plain language, particularly if addressed to a child; and
- free of charge.

These requirements are about ensuring that privacy information is clear and understandable for data subjects. This privacy notice deals with the overall privacy responsibilities of the school but includes, as annexes the particular notices that apply to parents, pupils under the age of 13, pupils over the age of 13, staff, governors and alumni. The appropriate annex should be read by the appropriate data subject along with the overarching notice.

Each annex deals with two sources of data, that obtained directly from the subject and, data not obtained directly from the subject. For both sources the identity and contact details of the data handler (and where applicable, the handler's representative) and the data protection officer (or privacy officer) are provided.

The intention is that each privacy notice is used as a stand-alone document, introduced and covered by the paragraphs above.

Privacy Notice City of London Freemen's School: Parents (or guardians) of children at the school, or applying to join the school

This annex should be read in conjunction with the introductory paragraphs in the covering document.

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the school and the school will therefore have a "legitimate interest" for processing basic personal data and sensitive personal data. The data the school holds will be the minimum it requires to form and maintain the contract between you and the school.

The school will share your data with the following companies who have contracts with the school and who have equalled the school's precautions and systems for dealing with data, these are:

- Catering
- IT software providers
- Guardians or Agencies as agreed by the parents

The following are the most usual reasons that the School may have for passing personal data to third parties:

- (a) to give or request a confidential reference relating to a pupil;
- (b) to give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend;
- (c) to publish the results of public examinations or other achievements of pupils of the School;
- (d) to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
- (e) to provide information to another educational establishment to which a pupil is transferring;
- (f) to provide information to the Examination Authority as part of the examinations process; and
- (g) to provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.

The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government departments or agencies strictly for statistical or research purposes.

It is not usually necessary for data to be shared with other countries. The exception to this will be international trips that the school organises, should this be envisaged for your child,

you will be contacted for your consent, the consent will be limited in time and content if it be required.

We work with an approved list of overseas agents who we have agreed to the school's precautions and systems for dealing with data. If your child is applying to the school through an agency overseas and we are not clear that you have given us consent to deal with the agency, we will contact you directly to request it.

The retention period for pupil data will be until the pupil reaches the age of 25, and / or be modified by any other legal obligation the school finds itself under.

You have the right to withdraw your consent to data processing at any time, however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the school has handled your data, the Information Commissioner is available as follows:

The ICO helpline is 0303 123 1113. A template letter, should you need it is at the appended to this notice.

We will obtain the data the school requires from you, should we need data from other sources we will contact you within a month.

We see the provision of personal data as necessary to properly admit your child to the school and to administer, and for the school to fulfil its obligations under the contract once your child is a pupil here.

There is no automated decision making or profiling involved in this data stream into and through the school.

Privacy Notice City of London Freeman's School:

Children at the school over the age of 13

This annex should be read with the introductory paragraphs in the covering document. The paragraphs in red refer to guidance from the Information Commissioner's Office (ICO) on the compilation of privacy notices. The italicised sections are the sections that the ICO needs the school to comply with in its dealings with you.

(The privacy notice should be provided at the time the data was obtained, if it was obtained directly from the data subject.)

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly. This means you get this when the school gets your data from your parents, or within a month.

(The purpose of the processing and the legal basis for processing must be clearly stated and the categories of personal data held must be clearly stated.)

Data will be processed for the purposes of allowing you to make the best of your time at City of London Freeman's School. The school will therefore have what is called a "legitimate interest" for processing basic personal data and sensitive personal data. The data the school holds will be the minimum it requires to allow you to thrive in your years here.

(Any recipient or categories of recipient must be clear and it should also be clear if data transfer to other countries and the safeguards in place.)

The school will share your data with the following companies who have contracts with the school and who have equalled the school's precautions, systems and procedures for dealing with data, these are:

- Catering
- IT software providers
- Guardians or Agencies as agreed by the parents

The following are the most usual reasons that the School may have for passing personal data to third parties:

- (a) to give or request a confidential reference relating to a pupil;
- (b) to give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend;
- (c) to publish the results of public examinations or other achievements of pupils of the School;
- (d) to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
- (e) to provide information to another educational establishment to which a pupil is transferring;
- (f) to provide information to the Examination Authority as part of the examinations process; and
- (g) to provide information to the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.

The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government departments or agencies strictly for statistical or research purposes.

(The retention period for the data or the criteria used to determine the retention period.)

The retention period for pupil data will be until you reach the age of 25.

(The existence of each data subject's rights. The right to withdraw consent at any time.)

You have the right to withdraw your consent to data processing at any time, however this will only apply to certain groups of data for which you have given particular consent.

(The right to lodge a complaint at any time with a supervisory authority.)

You can complain at any time about how the school has handled your data, the Information Commissioner is available as follows:

The ICO helpline is 0303 123 1113. A template letter, should you need it is at the appended to this notice.

(Where data is not obtained directly, the source from which it was obtained and whether or not it is a publicly available source.)

(For data obtained indirectly, the privacy notice should be provided within one month (referred to as a reasonable period of time), when the first communication takes place with an individual, or if disclosure is envisaged to another recipient, at the latest, before the information is disclosed.)

We will obtain the data the school requires from you, should we need data from other sources we will contact you.

(Whether the provision of personal data is part of a statutory or contractual requirement or obligation and the possible consequences of failing to provide the personal data.)

We see the provision of personal data as necessary to properly manage your time at City of London Freeman's School and for the school to fulfil its obligations to you.

(The existence of automated decision making including profiling and the information about how decisions are made, the significance and the consequences.)

There is no automated decision making or profiling involved handling this data.

Privacy Notice City of London Freeman's School Governors of the school

This annex should be read in conjunction with the introductory paragraphs in the covering document.

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Data will be processed for the purposes of responding to requests for information about joining the Board of the school and the school will therefore have a "legitimate interest" for processing basic personal data and, if necessary, sensitive personal data. The data the school holds will be the minimum it requires.

The school will share your data with the following companies who have contracts with the school and who have equalled the school's precautions, systems and procedures for dealing with data, these are:

- IT Contractor
- IT software providers

It is not necessary for data to be shared with other countries. The exception to this will be international trips that the school organises. Should this be envisaged for you, you will be contacted for your consent; the consent will be limited in time and content if it is required.

The retention period for data on governors to be held will be 25 years.

You have the right to withdraw your consent to data processing at any time, however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the school has handled your data, the Information Commissioner is available as follows:

The ICO helpline is 0303 123 1113. A template letter, should you need it is at the appended to this notice.

We will obtain the data the school requires from you, should we need data from other sources we will contact you first.

We see the provision of personal data as necessary to safeguard you and the school as it will allow the necessary checks to be made.

There is no automated decision making or profiling involved in this data stream into and through the school.

Privacy Notice City of London Freeman's School: Alumni

This annex should be read in conjunction with the introductory paragraphs in the covering document.

Routine contact with alumni will be by surface mail; email will only be used as a method of contact if the individual alumnus gives consent to be contacted in this way.

This privacy notice will be provided to you at the time your data is being obtained, if it is being obtained directly.

Should you give consent data will be processed for the purposes of maintaining an accurate record of those who were educated at City of London Freeman's school. The school will process only the minimum personal data to achieve this purpose.

The school will share your data with the following companies who have contracts with the school and who have equalled the school's precautions, systems and procedures for dealing with data, these are:

- IT software providers

It is not necessary for data to be shared with other countries.

The retention period for alumni data will be unlimited as long as the school believes it has a relationship to serve with the alumnus.

You have the right to withdraw your consent to data processing at any time, however this will only apply to certain groups of data for which you have given particular consent.

You can complain at any time about how the school has handled your data, the Information Commissioner is available as follows:

The ICO helpline is 0303 123 1113. A template letter, should you need it is at the appended to this notice.

We will obtain the data the school requires from you, should we need data from other sources we will contact you first.

[Your full address]
[Phone number]
[The date]

[Name and address of the organisation]
[Reference number (if provided within the initial response)]

Dear [Sir or Madam / name of the person you have been in contact with]

Information rights concern

[Your full name and address and any other details such as account number to help identify you]

I am concerned that you have not handled my personal information properly.

[Give details of your concern, explaining clearly and simply what has happened and, where appropriate, the effect it has had on you.]

I understand that before reporting my concern to the Information Commissioner's Office (ICO) I should give you the chance to deal with it.

If, when I receive your response, I would still like to report my concern to the ICO, I will give them a copy of it to consider.

You can find guidance on your obligations under information rights legislation on the ICO's website (www.ico.org.uk) as well as information on their regulatory powers and the action they can take.

Please send a full response within 28 calendar days. If you cannot respond within that timescale, please tell me when you will be able to respond.

If there is anything you would like to discuss, please contact me on the following number [telephone number].

Yours faithfully
[Signature]