



*We are a Christian school that serves a diverse community and works in partnership with parents to develop the whole child.*

## St. Luke's CEVA UK GDPR Policy

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Version	Date	Amendment Details	Author
0.1	Autumn 2022	First Draft	Matt Hipperson from NPW model policy

Signoff :

Role	Name	Date
Chair of Governors		
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## 1. Introduction

As part of St. Luke's CEVA Primary School public function as an education provider, we process Special Category and Criminal Offence data in accordance with Article 9 of the UK General Data Protection Regulation (UK GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA).

Schedule 1 Part 4 of the DPA requires us to have in place this document, called an 'Appropriate Policy', when we rely on certain conditions for processing Special Category and Criminal Offence data. This policy will tell you what Special Category or Criminal Offence data we process, our lawful basis (schedule 1 condition in the DPA) for processing it, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in Article 5 of the UK GDPR.

We will also tell you how long we will hold the Special Category and Criminal Offence data. Some of the information is already held in other documents on the St. Luke's CEVA Primary School website <http://www.st-lukes.newham.sch.uk/>

## 2. Description of the data processed

We process the following types of Special Category and Criminal Offence data

- Health and disability
- Religious/philosophical belief
- Ethnic/racial background
- Sexual life/sexual orientation
- Trade Union membership
- Criminal offence data (CCTV)

These are documented in the Information Asset Register (IAR).

**There is no biometric data processed by St. Luke's.**

## 3. Special Category and Criminal Offence Datasets

The following datasets are processed if the data subject has given explicit consent.

COVID Medical Data

Governors Disciplinary Documents

Safeguarding Data

SEN Data

Staff Medical Records

Staff Cultural Data

Student Cultural Data

Student Medical Records

Student/Staff Biometric Data – none currently

Staff Criminal Offence Data

Student Criminal Offence Data

Where consent is not appropriate, one of the following conditions will be used.

Employment and social protection (Schedule 1 Part 1 para 1)

where St Luke's CEVA Primary needs to process Special Category and Criminal Offence data for the purposes of performing its obligations or rights as an employer, or for guaranteeing the social protection of individuals.

Health or social care purposes (Schedule 1 Part 1 para 2)

where St Luke's CEVA Primary needs to process Special Category data for the purposes of the health protection of individuals.

Public health (Schedule 1 Part 1 para 3)

where St Luke's CEVA Primary needs to process Special Category data for the purposes of public interest in the area of public health.

The following substantial public interest conditions are used:

Equality of opportunity (Schedule 1 Part 2 para 8)

where St Luke's CEVA Primary needs to process Special Category for the purposes of monitoring equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.

Support for individuals with a particular disability or medical condition (Schedule 1 Part 2 para 16)

where St Luke's CEVA Primary needs to process Special Category for the provision of services and support to individuals.

Consent is not sought as this information is required for effective teaching and learning.

Safeguarding (Schedule 1 Part 2 para 18)

where St Luke's CEVA Primary needs to process Special Category and Criminal Offence data in order to protect the physical, mental or emotional well-being of an individual under the age of 18, or over the age of 18 and at risk, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining the data subject's consent would prejudice the provision of the protection, and is necessary for reasons of substantial public interest.

For further information on special category and criminal offence data sets, please refer to Appendix 1 and Appendix 2.

## **4. How we comply with the data protection principles in Article 5 of the UK GDPR**

Article 5(2) of the UK GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). This section illustrates the measures we have taken to demonstrate accountability for the personal data we process, and contains details about how we ensure compliance with the principles of the UK GDPR.

### **4.1 Accountability**

We demonstrate our compliance with the data protection principles provided in Article 5 of the UK GDPR through the following measures and documents:

We have appointed a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the UK GDPR.

Our Information Asset Register (IAR) sets out the personal data categories we process, the purposes, the lawful basis, our retention periods for the data, our legitimate interests, Schedule 1 conditions for processing, recipients of personal data, any international transfers of data and our means of keeping data secure.

Our Privacy Notices explain to individuals how and why their data is processed by St Luke's CEVA Primary what their rights are, and how they can contact our DPO and the ICO.

When we routinely and/or regularly share data with third parties, we enter into written agreements with Data Controllers and Data Processors which meet the provisions of Articles 26 and 28 of the UK GDPR respectively.

When we make decisions on whether to share data with third parties on an occasional or one-off basis, we do so in accordance with our Data Protection Policy.

We carry out Data Protection Impact Assessments (DPIA) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.

We implement appropriate security measures which are proportionate to the risk associated with the processing.

We have Data Protection policies and procedures which are available upon request.

#### 4.2 Lawful, fair and transparent processing

We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis in our Privacy Notices. This includes information about why we process Special Category and Criminal Offence data.

We need to process Special Category Data for the substantial public interest conditions outlined in section 3 of this policy to meet the requirements of current legislation.

We process employment data to meet our legal obligations as an employer.

#### 4.3 Purpose limitation

We process Special Category and Criminal Offence data where it is necessary to meet the following purposes.

- Equal opportunities monitoring, including statutory returns
- Certain work placements or casual work opportunities
- Supporting special arrangements, such as building access plans, study inclusion plans, and mitigating circumstances applications
- Providing individuals with appropriate support in a counselling session
- To allow us to fully investigate a complaint or grievance
- To understand dietary requirements based on health or belief
- Recording sickness absence
- Complying with health and safety obligations
- Where processing is necessary to respond to an emergency situation
- To fully process job applications
- For the prevention and detection of unlawful acts (e.g. incidents captured on CCTV)
- To verify the good character, competence and integrity of all staff and Governors/Trustees

We will not process any personal data for purposes which would be incompatible with the purpose for which the data was originally collected.

#### 4.4 Data minimisation

We design our data collection forms and other data collection tools to ensure that we only collect the Special Category or Criminal Offence data necessary to achieve the purpose. Our purposes are set out in our Privacy Notices.

Where we operate systems which cannot control the volume of Special Category and Criminal Offence data collected (i.e. CCTV) we take measures to minimise the volume of data processed. We only monitor public spaces with the minimum number of cameras needed to cover the area, and we operate a short retention period of 42 days from the date the footage is recorded.

We are satisfied that we collect and retain Special Category and Criminal Offence data for long enough to fulfil our purposes. We collect enough but no more than we need in accordance with the data minimisation principle, and we only hold Special Category and Criminal Offence data for the period set out in our retention policies.

Our retention schedule sets out the correct disposal action once records containing Special Category and Criminal Offence data are no longer required.

#### 4.5 Accuracy

When we identify data which is inaccurate or out of date, having due regard for the purpose for which the data was processed, we will take necessary steps to update, replace or erase it as soon as possible and within one month. If there is a specific reason we cannot rectify or erase the data, for instance because the lawful basis does not permit it, we will record the decision.

We provide interfaces for staff and students to keep their personal data up to date, as well as issuing regular reminders to update or provide equalities monitoring data.

#### 4.6 Storage limitation

Special Category and Criminal Offence data processed by us, will be retained for the periods set out in our retention schedule. The retention periods are determined by our legal and regulatory obligations, and our organisational requirements. We regularly review our information and erase or anonymise when required.

The retention schedule is available to view upon request.

#### 4.7 Security

We analyse risks presented by our processing and use this to assess the appropriate level of security we require for this data.

Data is held securely in line with our Data Protection Policy and our other policies and procedures which further detail out technical measures and controls. These documents are regularly reviewed and available upon request.

### **5. Retention and erasure policies**

Our retention period and disposal actions for records containing Special Category and Criminal Offence Data is available upon request.

### **6. Appropriate Policy review date**

This policy will be retained for the duration of the processing, and for a minimum of 6 months thereafter.

The policy will be reviewed every 24 months or revised more frequently if necessary.

### **7. Additional Special Category and Criminal Offence data**

We also process Special Category Data and Criminal Offence Data where an Appropriate Policy Document is not required e.g. for archival, research and statistical purposes. In these circumstances we will respect the rights and interest of our data subjects by informing them about the processing in our Privacy Notices.





# Appendix 1

Special Category Data Set	Special Category Data	Condition	Substantial Public Interest Conditions	Rationale and legal requirements
COVID Data	Health	Public health with a basis in law	N/A	Statutory duty to report COVID to Director of Public Health Agency
Governors Disciplinary Documents	Trade Union Membership	Employment, social security and social protection	N/A	Trade Union Act 2016
Safeguarding Data	Health	Reasons of substantial public interest with a basis in law	Safeguarding of children and individuals at risk	In the public interest to safeguard children. "Keeping children safe in education Statutory guidance for schools and colleges March 2015"; "Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children March 2015"
SEN Data	Health	Reasons of substantial public interest with a basis in law	Support for individuals with a particular disability or medical condition	In the Public Interest to support children with special needs. Limitation Act 1980 (Section 2)
Staff Medical Data	Health	Employment, social security and social protection	N/A	Equality Act 2010 HMRC requirements for employers
Staff Cultural Data	Ethnicity, Religion	Reasons of substantial public interest with a basis in law	Equality of opportunity or treatment	Equality Act 2010
Student Cultural Data	Ethnicity, Religion	Employment, social security and social protection	Equality of opportunity or treatment	Equality Act 2010 Education Act 2011 Public Sector Equality Duty April 2011
Student Medical Data	Health	Reasons of substantial public interest with a basis in law	Safeguarding of children and individuals at risk	The Education (Student Information) (England) Regulations 2005 SI 2005 No 1437
Student/Staff Biometric Data	Biometric	Explicit consent	N/A	N/A

## Appendix 2

<b>Criminal Offence Data Set</b>	<b>Schedule 1 DPA 2018 Condition</b>	<b>Rationale and legal requirements</b>
Staff Data	1. Employment, social security and social protection	Employment Law
Student Data	18. Safeguarding of children and individuals at risk	In the public interest to safeguard children. “Keeping children safe in education Statutory guidance for schools and colleges March 2015”; “Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children March 2015”