

Data Protection Policy

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Reviewed By	Group Business Manager		
Approved by Governing Body	Chris Westbury		
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Rationale:

This policy establishes an effective, acceptable and transparent framework for ensuring compliance with the requirements of the GDPR. Personal information needs to be handled securely and correctly; it is the purpose of this policy to ensure that. This policy applies to any and all data collected by Pathways Education Ltd and ultimately will aid the learning of students and allow staff to monitor and report on pupil progress.

Scope: This policy applies to all Pathways Education Ltd employees and all third parties responsible for the processing of personal data on behalf of Pathways Education Ltd School.

The Rights of Data Subjects

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (some of these rights are not going to apply due to other conditions set out in the Lawful Basis Section)
- the right to restrict processing
- the right to data portability
- the right to object
- rights in relation to automated decision making and profiling.

The Data Protection Principles

Under the GDPR, the data protection principles set out the main responsibilities for organisations. Article 5 of the GDPR requires that personal data shall be:

1. Processed lawfully, fairly and in a transparent manner in relation to individuals;
2. Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
3. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
4. Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
5. 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; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public

interest, scientific or historical research purposes Pathways Education Ltd Data Protection Policy Page 3 of 9 or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and

6. 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." Article 5(2) requires that: "the controller shall be responsible for, and be able to demonstrate, compliance with the principles."

Lawful, Fair and Transparent Data Processing

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

This means Pathways Education Ltd must tell the data subject what processing will occur, (transparency) the processing must match the description given to the data subject (fairness) and must be for one of the purposes specified in the applicable data protection regulation (lawfulness)

Pathways Education Ltd obtains consent parents to process their young persons and their own data for the specific purposes of providing education to the young person and safeguarding (Appendix: Parental Consent Form.) Please see Privacy Policy.

Specified, Explicit, and Legitimate Purposes

Personal data must only be collected for specified explicit and legitimate purposes and not further processed in a way incompatible with those purposes. This means Pathways Education Ltd must specify exactly what the personal data collected is for and limit the processing of that personal data to only what is necessary to meet the specific need.

Adequate, Relevant, and Limited Data Processing

Personal data shall be adequate, relevant and limited only in relation to the purposes for which they are processed. This means Pathways Education Ltd will not store any personal data beyond strictly required (see Data Retention Schedule)

Accuracy of Data and Keeping Data Up to Date

Personal data must be accurate and kept up to date. This means Pathways Education Ltd will identify and address out of date, incorrect and redundant personal data. This will take place in a yearly audit in the last month of the school year. Personal data shall be kept in a form which enables identity of the data subject for no longer than necessary for the purpose for which the data was originally needed. This means Pathways Education Ltd must wherever possible store personal data which limits or prevents identification of the data subject.

Data Retention

Please see Data Retention Policy and Data Retention Schedule

Secure Processing

Personal data shall be processed in a manner that ensures appropriate security of data, including protection against unauthorised or unlawful processing and against accidental loss or damage. Pathways Education Ltd uses appropriate technical and organisational measures to ensure the integrity and confidentiality of personal data is maintained at all time. All data is stored either in Arbor or CPOMS

Accountability and Record Keeping

The Data Controller shall be responsible for and be able to demonstrate compliance. This means Pathways Education Ltd must demonstrate how the data protection principles outlined above apply to the personal data for which it is responsible. Please see Accountability Documentation

Data Protection Impact Assessments

Please see Data Protection Impact Assessment Policy and DPIA Template

Keeping Data Subjects Informed

Please see Privacy Policy - Pupils and Parents / Workforce

Data Subject Access

Please see Subject Access Request Policy and Subject Access Request Form

Rectification of Personal Data

The GDPR includes a right for individuals to have inaccurate personal data rectified or completed if it is incomplete. An individual can make a request for rectification verbally or in writing but preferably via the Data Rectification Form. Pathways Education Ltd will respond within one calendar month to the request. In certain circumstances we have the right to refuse a request for rectification. This right is closely linked to the controller's obligations under the accuracy principle of the GDPR (Article (5)(1)(d)).

Erasure of Personal Data

Under Article 17 of the GDPR individuals have the right to have personal data erased. This is also known as the 'right to be forgotten'. The right is not absolute and only applies in certain circumstances. Pathways Education Ltd Data Protection Policy Page 5 of 9

When does the right to erasure apply?

Individuals have the right to have their personal data erased if:

- the personal data is no longer necessary for the purpose which Pathways Education Ltd originally collected or processed it for;
- Pathways Education Ltd is relying on consent as our lawful basis for holding the data, and the individual withdraws their consent;
- Pathways Education Ltd is relying on legitimate interests as our basis for processing, the individual objects to the processing of their data, and there is no overriding legitimate interest to continue this processing;
- Pathways Education Ltd is processing the personal data for direct marketing purposes and the individual objects to that processing;
- Pathways Education Ltd has processed the personal data unlawfully (i.e. in breach of the lawfulness requirement of the 1st principle);
- Pathways Education Ltd has to do it to comply with a legal obligation;
- or Pathways Education Ltd has processed the personal data to offer information society services to a child. An individual can make a request for the right to erasure verbally or in writing but preferably via the Data Erasure Form

When does the right to erasure not apply?

The right to erasure does not apply if processing is necessary for one of the following reasons:

- to exercise the right of freedom of expression and information;
- to comply with a legal obligation;
- for the performance of a task carried out in the public interest or in the exercise of official authority;
- for archiving purposes in the public interest, scientific research historical research or statistical purposes where erasure is likely to render impossible or seriously impair the achievement of that processing; or
- for the establishment, exercise or defence of legal claims.

Restriction of Personal Data processing

Article 18 of the GDPR gives individuals the right to restrict the processing of their personal data in certain circumstances. This means that an individual can limit the way that an organisation uses their data. This is an alternative to requesting the erasure of their data.

When does the right to restrict processing apply?

- Individuals have the right to request you restrict the processing of their personal data in the following circumstances:
- the individual contests the accuracy of their personal data and Pathways Education Ltd is verifying the accuracy of the data;
- the data has been unlawfully processed (i.e. in breach of the lawfulness requirement of the first principle of the GDPR) and the individual opposes erasure and requests Pathways Education Ltd Data Protection Policy Page 6 of 9 restriction instead;
- Pathways Education Ltd no longer needs the personal data but the individual needs Pathways Education Ltd to keep it in order to establish, exercise or defend a legal claim;

- the individual has objected to Pathways Education Ltd processing their data under Article 21(1), and we are considering whether our legitimate grounds override those of the individual.

How do we restrict personal data?

Pathways Education Ltd will temporarily restrict the record in Arbor, preventing users from accessing it. Images can be removed from the website and accounts can be suspended in Outlook.

When can we lift the restriction?

Once Pathways Education Ltd has made a decision on the accuracy of the data, or whether our legitimate grounds override those of the individual, we may decide to lift the restriction. However, the individual must be informed before we lift the restriction.

Making a request

An individual can make a request for restriction verbally or in writing, preferably by the Data Restriction form. Pathways Education Ltd will respond to such a request within one month.

NOTE: the right to erasure or restriction - whilst an individual is employed by or attending Pathways Education, there may be data that we would not erase or restrict if requested if it would hamper our ability to perform our public task

Data Portability

The right to data portability gives individuals the right to receive personal data they have provided to a controller in a structured, commonly used and machine-readable format. It also gives them the right to request that Pathways Education Ltd transmits this data directly to another school / college.

When does the right apply?

The right to data portability only applies when:

- the lawful basis for processing this information is consent or for the performance of a contract;
- we are carrying out the processing by automated means (i.e. excluding paper files).

What does the right apply to?

Information is only within the scope of the right to data portability if it is personal data of the individual that they have provided to Pathways Education Ltd.

The right to data portability entitles an individual to:

- receive a copy of their personal data;
- have their personal data transmitted from one controller to another controller. An individual should make the request in writing, preferably via the Data Portability Request form.

Pathways Education Ltd will respond within one month.

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Pathways Education Ltd will provide from a Common Transfer File (CTF) to provide data to another controller or will provide a Data Collection Sheet in a pdf format to the individual.

Objections to Data Processing

Article 21 of the GDPR gives individuals the right to object to the processing of their personal data. This effectively allows individuals to ask Pathways Education Ltd to stop processing their personal data. The right to object only applies in certain circumstances. Whether it applies depends on Pathways Education Ltd purposes for processing and our lawful basis for processing. An individual can ask Pathways Education Ltd to stop processing their personal data for direct marketing purposes at any time. This is an absolute right and there are no exemptions or grounds for refusal. Pathways Education Ltd obtains consent from individuals to process their data for the specific purposes of either providing an education or a place of employment and to object to the processing of personal data would hamper our ability to perform our public task.

Personal Data Collected, Held, and Processed

Please see Privacy Policy Workforce and Privacy Policy Pupil/Parent Data Security Article 5(1)(f) of the GDPR concerns the 'integrity and confidentiality' of personal data. It says that personal data shall 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'

Storage

Pupil, parent/carer and staff data is held in our system - Arbor. Each user is issued with a unique and secure password, with permission-based access ensuring that they can only view the data relevant to them. No data is stored on any device, and Arbor automatically logs out after a period of inactivity. Arbor uses bank-grade, end-to-end, 256bit SSL encryption to ensure only we can see our data. Student data is NEVER shared with third parties without The Pathways Education Ltd' consent. Emails, photos, the website, apps and all school documents are stored in our server which is GDPR compliant. All data not in these two systems is kept in a locked cupboard in school office, access to which is through a locked door.

All staff are responsible for ensuring that:

- Any personal data which they hold is kept securely. Personal information is not disclosed either orally or in writing or accidentally or otherwise to any unauthorised third party.
- Staff should note that unauthorised disclosure and/or failure to adhere to the requirements set out below will usually be a disciplinary matter and may be considered gross misconduct in some cases. Pathways Education Ltd Data Protection Policy Page 8 of 9
- Personal information should be kept in a locked cupboard or in a locked drawer; or if it is computerised, be password protected; or when kept or in transit on portable media the files themselves must be password protected.
- Personal data should never be stored at staff members' homes, whether in manual or electronic form, on laptop computers or other personal portable devices or at other remote sites. Ordinarily, personal data should not be processed at staff members' homes, whether in manual or electronic form, on laptop computers or other personal portable devices or at other remote sites. In cases where such off-site processing is felt to be necessary or appropriate, the agreement of the CEO must be obtained, and all the security guidelines given in this document must still be followed.
- Data stored on portable electronic devices or removable media is the responsibility of the individual member of staff who operates the equipment. It is the responsibility of this individual to ensure that: Suitable backups of the data exist; Sensitive data is appropriately encrypted; Sensitive data is not copied onto portable storage devices without first consulting the data protection manager in regard to appropriate encryption and protection measures. Electronic devices such as laptops, mobile devices and computer media (USB devices, CD's etc) that contain sensitive data ARE not left unattended when offsite.
- For some information the risks of failure to provide adequate security may be so high that it should never be taken home. This might include payroll information, addresses of pupils and staff, disciplinary or appraisal records or bank account details. Exceptions to this may only be with the explicit agreement of the CEO

Disposal

A data audit is carried out in the last month of the school year. Data is removed in accordance with our Data Retention Schedule. All records containing personal information, or sensitive policy information should be made either unreadable or unreconstructedly.

- Paper records should be shredded
- CDs / DVDs / Floppy Disks should be cut into pieces

- Hard Disks should be dismantled and sanded
- Electronic files should be deleted

Data Breach Notification

Please see Data Breach Policy and Data Breach Log

Implementation of Policy

The Headteacher and the Data Protection Officer will ensure that all Pathways Education Ltd. employees responsible for the processing of personal data are aware of and comply with the contents of this policy. In addition, they will ensure all third parties engaged to process personal data on behalf of Pathways Education Ltd are aware of and comply with the contents of this policy. Assurance of which must be obtained from all third parties prior to granting access to the personal data controlled by Pathways Education.

Appendix

CONSENT FORM FOR PROCESSING STUDENT'S PERSONAL DATA

Student's Name:

Date:

Dear Parent/Carer

At Pathways Education, we use information about your child in a number of ways, and we'd like your consent for some ways we use this personal data. We set out in more details below.

If you're not happy for us to use information in the ways we list below, that's no problem – we will accommodate your preferences.

Similarly, if you change your mind at any time, you can let us know by emailing office@pathways-ed.org, calling the school on phone number 01428 777 673, or just pop into the school office.

If you have any other questions, please get in touch.

Photos and videos

We sometimes take photographs of students. We use the photos to help us to give people an idea of what life at our school is like, for example in the newsletter or on the school website.

Please tick the relevant box(es) below, sign and return this form to the school.

USE OF PHOTOS	TICK
I am happy for the school to take photos of my child.	e.g.
I am happy for photos of my child to be used on the school website.	
I am happy for photos of my child to be used in the school newsletter.	
I am happy for photos of my child to be used in printed school materials, for example the school prospectus.	
I am happy for photos of my child to be used in internal displays.	
I am happy for photos of my child to be used in media, for example local newspapers.	
I am happy for photos of my child to be used on social media, for example Twitter.	
I am happy for the school to take videos of my child.	

I am happy for the school to use videos of my child.	
I am happy for the school to use videos of my child for promotional purposes, such as on the school website.	
I am NOT happy for the school to take or use photos or videos of my child.	