

<b>Policy document control box</b>	
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<b>Policy contents:</b>	
<b>Purpose</b>	<b>2</b>
<b>Scope</b>	<b>2</b>
<b>Policy statement, provision and safeguards</b>	<b>2</b>
<b>Lawful purpose</b>	<b>3</b>
<b>Data minimisation</b>	<b>3</b>
<b>Accuracy</b>	<b>3</b>
<b>Archiving / removal</b>	<b>3</b>
<b>Security</b>	<b>3</b>
<b>Breach</b>	<b>4</b>
<b>Legislation and Guidance that informs this policy</b>	<b>4</b>
<b>Appendix 1 - Data held by RBAir</b>	<b>5</b>
<b>Appendix 2 - Data Retention Schedule</b>	<b>7</b>

## **1. Purpose**

- 1.1. The purpose of this policy is to identify practice that will ensure RBAir can process data within its responsibilities under General Data Protection Regulation legislation(GDPR May 2018)

## **2. Scope**

- 2.1. It is the responsibility of the lead person for data protection, currently Robert Watson, Director of Education, to ensure that all RBAir staff comply with practice described within this policy, hence within the requirements of GDPR.
- 2.2. Data Protection Principles as defined under Article 5 of the GDPR
  - 2.2.1. Personal data must be:
    - 2.2.1.1. processed lawfully, fairly, and in a transparent manner in relation to individuals;
    - 2.2.1.2. 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 will not be considered to be incompatible with the initial purposes);
    - 2.2.1.3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
    - 2.2.1.4. accurate and 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;
    - 2.2.1.5. 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 in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes 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;
    - 2.2.1.6. 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.

## **3. Policy statement, provision and safeguards**

- 3.1. General provisions of the policy
  - 3.1.1. This policy applies to all personal data processed by RBAir.
  - 3.1.2. The organisation's 'responsible person' will take responsibility for RBAir's ongoing compliance with this policy.

- 3.1.3. This policy will be reviewed annually.
- 3.1.4. RBAir will remain registered with the Information Commissioner's Office (ICO) as an organisation that processes personal data.
- 3.2. Lawful, fair and transparent processing
  - 3.2.1. Individuals have the right to access their personal data - any requests made will be responded to promptly

## **4. Lawful purpose**

- 4.1. All data processing carried out by RBAir must be done within one of the following lawful categories: consent, contract, legal obligation, vital interests, public task or legitimate interests (see ICO guidance for more information).
- 4.2. Where consent is relied upon as a lawful basis for processing data, evidence of opt-in consent will be kept with the personal data.
- 4.3. Where communications are sent to individuals based on their consent, the option for the individual to revoke their consent will be clearly available and systems will be in place to ensure such revocation is reflected accurately in RBAir's systems.

## **5. Data minimisation**

- 5.1. RBAir will ensure that personal data are adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

## **6. Accuracy**

- 6.1. RBAir will take reasonable steps to ensure personal data are accurate.
- 6.2. Where necessary for the lawful basis on which data are processed, steps will be put in place to ensure that personal data are kept up to date.

## **7. Archiving / removal**

- 7.1. To ensure that personal data are kept for no longer than necessary, RBAir will put in place a data retention schedule (Appendix 2) for each area in which personal data are processed.
- 7.2. The data retention schedule will define what data should/must be retained, for how long, and why.

## **8. Security**

- 8.1. RBAir will ensure that personal data are stored securely using modern software that is 'fit for purpose'.
- 8.2. Access to personal data will be limited to personnel who need access and appropriate security will be in place to avoid unauthorised sharing of information.
- 8.3. When personal data are deleted this will be done in a manner that means the data are unrecoverable.

- 8.4. Appropriate contingency (back-up and disaster recovery) plans will be in place.

## **9. Breach**

- 9.1. In the event of a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data, RBAir will promptly assess the risk to people's rights and freedoms and, if appropriate, report this breach to the ICO ([more information on the ICO website](#)).

## **10. Legislation and Guidance that informs this policy**

- 10.1. General Data Protection Regulation (GDPR May 2018)
- 10.2. Freedom of Information Act (2000)
- 10.3. Other RBAir policies that should be read in conjunction with this one:
  - 10.3.1. Code of Conduct for all staff

## Appendix 1 - Data held by RBAir

RBAir holds the following data concerning staff:

- record of appointment including application, interview notes, copies of identity checks, address, date of birth, contact details, date of appointment, references, copies of qualifications, health self certification letter and form, record of checks made against the prohibited from teaching list and barred from management list if appropriate and record that an appropriate DBS check was seen (NB all details are held on the SCR - single central record - as required since 01.04.2007);
- job description and terms and conditions of employment;
- performance management record;
- absence / attendance record;
- record of any disciplinary proceedings (these will only be kept for an agreed period of time unless they relate to child protection or criminal activity).

Any data that relate to physical or mental health will be held in confidence and only released where 'necessary' (eg if requested by a prospective employer).

*The organisation holds the following data re trustees:*

- address;
- contact details;
- checks carried out at the time of 'appointment' (enhanced DBS check - note of when this was seen, copy of identity checks).

*The organisation holds the following data re students:*

- full name;
- gender;
- date of birth;
- date of admission;
- name of last school attended;
- name and address of every parent / carer (with an indication as to which of these the student 'normally' lives with, and which has parental responsibility);
- emergency contact details of parents and carers;
- any necessary information concerning communication with parents (such as hearing impairment, requirement for information in Braille, language preference);
- attainment data;
- results for cognitive ability or other testing;
- records of progress;
- individual education plans;
- outcomes in external accreditation;
- child protection records (if in existence).

Child protection records are kept in MyConcern, or, if received as paper copies, a lockable cabinet only accessible by the DSL (designated safeguarding lead person) or other person trained to that level. Once a student leaves, those files are passed on via secure email or via physical media (in person or recorded delivery) to the 'receiving' educational provider (a signed receipt is required) or returned to the relevant local authority.

## Appendix 2 - Data Retention Schedule

### Student records:

Basic file description	Data Prot Issues	Statutory Provision	Retention Period [operational]	Action at the end of the administrative life of the record	
Admission Registers	Yes		Date of last entry in the book (or file) + 6 years	Retain in the school for 6 years from the date of the last entry	Transfer to the archives
Attendance registers	Yes		Date of register + 3 years	DESTROY [If these records are retained electronically any back up copies should be destroyed at the same time]	
Student files	Yes		DOB of the pupil + 25 years <sup>1</sup>	SHRED	
Special Educational Needs files, reviews and Individual Provision Plans	Yes		DOB of the pupil + 25 years	SHRED	
Letters authorising absence	No		Date of absence + 2 years	SHRED	
Absence books			Current year + 6 years	SHRED	
Examination results	Yes				
<i>Public</i>	No		Year of examination + 6 years	DESTROY	Any certificates left unclaimed should be returned to the appropriate exam board
<i>Internal examination results</i>	Yes		Current year + 5 years	DESTROY	
Any other records created in the course of contact with students	Maybe		Current year + 3 years	Review at the end of 3 years and either allocate a further retention period or DESTROY	
EHC plans and review records	Yes	Special Educational Needs and Disability Act 2001 Section 1	DOB + 30 years	DESTROY unless legal action is pending	
Proposed statement or amended statement (now EHC plan)	Yes	Special Educational Needs and Disability Act 2001 Section 1	DOB + 30 years	DESTROY unless legal action is pending	
Advice and information to parents regarding educational needs	Yes	Special Educational Needs and Disability Act 2001 Section 2	Closure + 12 years	DESTROY unless legal action is pending	
Accessibility strategy	Yes	Special Educational Needs and Disability Act 2001 Section 14	Closure + 12 years	DESTROY unless legal action is pending	
SEN files	Yes		Closure + 35 years	DESTROY unless legal action is pending	

Basic file description	Data Prot Issues	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record
Curriculum planning	No		Current year + 6 years	DESTROY
Curriculum returns	No		Current year + 3 years	DESTROY
School syllabus	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Schemes of work	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Timetable	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Class record books	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Mark Books	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Record of homework set	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Students' work	No		Current year + 1 year	It may be appropriate to review these records at the end of each year and allocate a new retention period or DESTROY
Examination results	Yes		Current year + 6 years	DESTROY [These records should be shredded]