

## INTRODUCTION TO GENERAL DATA PROTECTION REGULATION FAQ'S

### What is a Data Controller and a Data Processor?

Schools are often regarded as the 'data controllers'. This means that schools determine why and how you utilise the personal data that you hold. 'Data processors' only use the personal data transferred to them in the particular way that the 'data controller' tells them to. Data processors for schools will include the suppliers which process personal data on their behalf for example, HR and payroll.

### Do schools need a Data Protection Officer?

Under the General Data Protection regulation, schools must appoint a Data Protection Officer (DPO), as they are a public authority.

### What are the responsibilities of the DPO?

The main responsibilities of the Data Protection Officer is to:

- Raise awareness of the regulation with staff
- Provide training and updates for staff
- Carry out audits
- Provide updates to senior leaders and governors
- Monitor compliance with the regulation and the school's policies
- Advise on the completion of Data Protection Impact Assessments
- Coordinate subject access requests and freedom of information requests

### How can we demonstrate Compliance?

There are a number of ways schools can demonstrate compliance with the regulation. These include, but are not limited to:

- Annual audits and putting plans in place to address the findings
- Training records and an ongoing commitment to training
- Ongoing updating of the schools data asset register
- Updated policies and privacy statements
- Publish the appropriate documentation on the schools website

### How long do we have to store data for?

Article 5 of the GDPR, refers to the processing of personal data and states that personal data should not be kept longer than necessary, and time limits should be established by the Data Controller for erasure or for a periodic review, of both paper and digital records. Schools should have in place a Records Retention Schedule, which outlines how long personal data is retained and when and how it is destroyed.

### How do we inform Parents, Pupils and Staff what we do with their personal data?

Privacy notices provide details to individuals on what personal data is being collected and how this data is being used. Privacy notices do not have to be signed by data subjects

### How can we obtain information from data subjects?

When requesting information from data subjects, the school must have a lawful basis for asking for the information. To comply with GDPR, the school must use one of the following lawful basis:

- Consent
- Contract
- Legal obligation
- Vital interest
- Public task
- Legitimate interests

### Is consent required for the school to take photos of pupils?

In certain circumstances, consent is required for the school to use images of pupils. For example, if the school would like to use the photograph on the pupil's electronic record on their management information system, then no consent is required. However, if the school wishes to use the photographs on their school website, then consent is required.

### How should consent be given?

The Information Commissioner's Office states that consent must be given freely and should be obvious and require a positive action to opt in. This means that schools should not use pre-ticked boxes, opt-out boxes or other default settings.

Schools should also make it easy for people to withdraw consent at any time they choose. Consider using preference-management tools.

