SBS INSIGHT HUB

SHARD Business Services

INTRODUCTION TO GDPR IN SCHOOLS - HOW DOES GDPR AFFECT SCHOOLS?

OVERVIEW

The General Data Protection Regulation is designed to strengthen the safety and security of all data held by an organisation. It focuses on the privacy rights of individuals, and the idea that individuals should know what data is held about them. GDPR has a large part to play within schools, and schools must be able to demonstrate compliance with the principles set out in the regulation.

GDPR ELEMENTS

There are multiple elements of GDPR that schools must consider when ensuring they are compliant, including:

- Accountability
- Privacy
- Individuals' rights
- Subject access
- Legal basis
- Consent
- Special consideration for children
- Data breaches
- Data protection impact assessments
- Data protection officers

This fact sheet will explain what these topics are and how they affect schools.

LEGAL BASIS

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

GDPR IN SCHOOLS

TEN AREAS FOR SCHOOLS TO FOCUS ON

1

PRIVACY

New information must be included in privacy notices, e.g. legal basis For processing data, right To complain. This must be written in clear and easily understandable Language

2

LEGAL BASIS

Schools' legal basis for processing personal data must be explained in privacy notices

3

ACCOUNTABILITY

Schools must prove they are compliant with the regulations by having effective policies and procedures

4

INDIVIDUAL RIGHTS

Individuals have eight rights when it comes to their data. These are outlined at the end of this document; however it is a good idea to look into these rights more in-depth

5

SUBJECT ACCESS REQUEST

SAR's must be fulfilled within one month, unless there is a valid reason to extend this. If you refuse an SAR, you must be able to demonstrate why

6

DATA BREACHES

chools must report any data breaches that are likely to cause damage to the ICO within 72 hours of the breach

7

CONSENT

Data controllers must demonstrate that consent was given

8

CHILDREN

Special protection is given for the personal data of children. Consent is needed for children, and privacy notices must be written to be understood by children

9

DATA PROTECTION OFFICERS

Schools must appoint a DPO who aids with ensuring compliance with GDPR

10

DATA PROTECTION IMPACT ASSESSMENT

These must be carried out when schools begin using new technologies, and the processing is likely to result in a high risk to the rights and freedoms of individuals

HOW TO ENSURE COMPLIANCE

DPO

Appoint a DPO to oversee the responsibility for data protection, ensuring that they can report to the highest level of the organisation.

SAR

Update procedures for dealing with SARs and ensure staff are aware of time limits and conditions surrounding SARs. Staff also need to be aware of how to recognise SARs.

DPIA

Ensure that you are up to date on the ICO's guidance on when they are required and how to implement them.

INFORMATION

Organise an information audit to document what data you hold, how you collect it, and who it may be shared with. This will inform the school's data asset register and map. This also ensures you have a legal basis for any processing undertaken.

INDIVIDUALS' RIGHTS

Ensure that the procedures and policies in place protect the rights of data subjects and ensure these procedures are robust. Staff should know what rights subjects have, and how they can exercise them.

PRIVACY INFORMATION

Ensure privacy notices are updated annually, and that they contain all the necessary information about what their data will be used for.

CONSENT

Review how you seek consent, and judge whether you need to make changes to ensure consent is specific and informed.

BREACHES

Review your procedures for detecting, reporting, and investigating data breaches

CHILDREN

Think about systems in place for verifying the age of pupils, and how you will gain consent for handling their data

Seven Key Principles of GDPR

1) Lawfulness, Fairness and Transparency
Organisations must be clear about why data is collected and how the data is going to be used
2) Purpose Limitation
Organisations must have a specific and legitimate reason to collect personal data
3) Data Minimisation
Data must be "adequate, relevant, and limited" to the purpose of the processing
4) Accuracy
Personal data must be up
5) Storage Limitation
Once the data has been used for the purpose intended, it should be deleted or destroyed
6) Integrity and Confidentiality
Organisations must ensure there are appropriate measures to hold any data securely
7) Accountability
This principle joins the other 6 together; organisations must be able to show that they are compliant.

The Eight Rights of Data Subjects

1) The right to be informed
Subjects have a right to know what their data will be used for at the time of collection. Schools use privacy notices for this
2) The right of access
Subjects have the right to know how data has been collected, processed, and stored, as well as what data is held and why
3) The right to rectification
Subjects have the right to correct incomplete or incorrect data
4) The right to erasure
Subjects have the right to have their personal data deleted
5) The right to restrict processing
Subjects have the right to block data from being processed
6) The right to data portability
Subjects has the right to move, copy, or transfer data from one controller to another
7) The right to object
The subject has the right to object to their data being processed without explicit consent, or to as part of direct marketing
8) The right to avoid automated decision-making
Subjects have the right to demand human intervention

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