

LEGAL BASIS FOR PROCESSING

Key Guidance for Schools & Trusts

Every individual has legal rights over how their personal information is collected, used and shared. Schools and academy trusts must recognise requests promptly, respond within statutory timescales and demonstrate accountability under the UK GDPR and Data Protection Act 2018..



SIX LAWFUL BASIS

CONSENT

- ✓ Provide clear privacy notices. Explain what data is collected, why it is used, who it is shared with and how long it is retained.

Be transparent.

CONTRACT

- ✓ Recognise Subject Access Requests made verbally or in writing. Verify identity and respond within one month.

Respond promptly.

LEGAL OBLIGATION

- ✓ Correct inaccurate personal data and complete incomplete records. Notify others where appropriate.

Keep records accurate.

EXAMPLES OF PROCESSING

- 01 Managing pupil admissions.
- 02 Recording attendance.
- 03 Processing staff payroll.
- 04 Supporting SEND provision.
- 05 Submitting DfE returns.



VITAL INTEREST

- ✓ Consider requests carefully alongside safeguarding, legal, financial and retention obligations. Record the decision.

Not an absolute right.

PUBLIC TASK

- ✓ Pause or limit processing while concerns are investigated. Mark restricted records clearly.

Protect individual rights.

LEGITIMATE INTEREST

- ✓ Consider portability, objections and automated decision-making. Provide human review where required.

Consider each request..

THE 5 KEY ACTIONS



1

IDENTIFY

Understand why the information is needed.



2

ASSESS

Choose the most appropriate lawful basis.



3

DOCUMENT

Record the decision within the ROPA.



4

INFORM

Explain processing through your Privacy Notice.



5

REVIEW

Review whenever processing changes.



NEED HELP OR ADVICE?

If you are unsure about fraud, speak to your, Data Protection Officer, ICO or a member of the Shard Business Services team.



office@shardbusinessservices.co.uk



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Professional Guidance Series



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PRACTICAL GUIDANCE

Good information governance starts with identifying the purpose for processing, selecting the correct lawful basis and recording the decision. Schools should ensure privacy notices, ROPAs and supporting documentation remain aligned and are reviewed regularly.

1

PRACTICAL GUIDANCE



- Identify the purpose before collecting personal data.
- Confirm processing is genuinely necessary.
- Record the lawful basis within your ROPA.



Evidence every decision.

2

COMMON MISTAKES



- Using Consent instead of Public Task.
- Forgetting Article 9 conditions.
- Failing to update the ROPA.



Avoid preventable compliance risks.

3

GOOD PRACTICE



- Review processing activities annually.
- Keep privacy notices up to date.
- Train staff on lawful basis selection.



Build accountability into everyday practice.

SPECIAL CATEGORY DATA

Where special category personal data is being processed, identifying a lawful basis under Article 6 GDPR alone is not sufficient. You must also satisfy at least one of the additional conditions for processing set out in Article 9 UK GDPR. The relevant Article 9 conditions are outlined below:

- | | |
|---|--|
| ✓ Explicit consent | ✓ Legal claims or judicial acts |
| ✓ Employment, social security, and social protection (if authorised by law) | ✓ Reasons of substantial public interest (with a basis in law) |
| ✓ Vital interests | ✓ Health or social care (with a basis in law) |
| ✓ Not-for-profit bodies | ✓ Public health (with a basis in law) |
| ✓ Made public by the data subject | ✓ Archiving, research and statistics (with a basis in law) |

SELF-ASSESSMENT CHECKLIST

	Yes	No	N/A
Lawful basis identified before processing	☐	☐	☐
Decision recorded within the ROPA	☐	☐	☐
Privacy Notice updated	☐	☐	☐
Article 9 considered where required	☐	☐	☐
Processing reviewed regularly	☐	☐	☐
Staff understand the chosen lawful basis	☐	☐	☐

USEFUL CONTACTS & RESOURCES



ICO – Lawful Basis Guidance

Choosing the appropriate Article 6 lawful basis.



UK GDPR Articles 6 & 9

Lawful processing and special category data.



Data Protection Act 2018

Supporting legislation and education exemptions.



ICO

School resources



SBS Resources

ROPA templates, DPIAs, privacy notices and GDPR support.

