Data Protection and handling policy

In this policy the following members of staff are referred to:

TITLE	NAME
Privacy and Compliance Officer	Deborah Livsey
Data Protection Coordinator	Alarie Drummonds

Data protection is an important legal compliance issue for The New Model School Limited (NMS). During the course of its activities of running its schools, NMS directly and indirectly through the schools collects, stores and processes personal data (sometimes sensitive in nature) about staff, pupils, their parents, suppliers and other third parties (in a manner more fully detailed in the **Privacy Notice** on NMS's and the Schools' websites). It is therefore an area where all staff have a part to play in ensuring we comply with and are mindful of our legal obligations, whether that personal data is sensitive or routine.

EU regulations came in to effect in 2018 namely the General Data Protection Regulation (**GDPR**) and the Data Protection Act 2018 was passed in the UK to deal with certain issues left for national law, on the departure of the UK from the EU the GDPR was enshrined in UK law as the UK GDPR. These statutes include specific provisions of relevance to independent schools. In particular, in the context of our safeguarding obligations, schools have a heightened duty to ensure that the personal data of pupils is at all times handled responsibly and securely.

While the law sets out useful legal grounds in this area, in most ways the law has strengthened the rights of individuals and placed tougher compliance obligations on organisations including schools that handle personal information. The Information Commissioner's Office (**ICO**) is responsible for enforcing data protection law and has powers to take action for breaches of the law.

Those who are involved in the processing of personal data are obliged to comply with this policy when doing so. Accidental breaches will happen and may not be a disciplinary issue, but any breach of this policy may result in disciplinary action. This policy may be amended at any time.

This policy sets out NMS's expectations and procedures with respect to processing any personal data we collect from data subjects (e.g. including parents, pupils, and employees).

Key data protection terms used in this data protection policy are:

- **Data controller** – an organisation that determines the purpose and means of the processing of personal data. For example, NMS (sometimes operating through the school**s**) is a data controller of staff, parent and pupils' personal information. As data controllers, we are responsible for safeguarding the use of personal data.
- **Data processor** – an organisation that processes personal data on behalf of a data controller, for example a payroll provider or other supplier of services.
- **Personal data breach** – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.
- **Personal information** (or **personal data**): any information relating to a living individual (a data subject), including name, identification number, location or online identifier such as an email address. Note that personal information created in the ordinary course of work duties (such as in emails, notes of calls, and minutes of meetings) is still personal data and regulated by data protection laws, including the GDPR. Note also that it includes expressions of opinion about the individual or any indication of someone's intentions towards that individual.
- **Processing** – virtually anything done with personal information, including obtaining or collecting it, structuring it, analysing it, storing it, sharing it internally or with third parties (including making it available to be viewed electronically or otherwise), altering it or deleting it.
- **Special categories of personal data** – data relating to racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health and medical conditions, sex life or sexual orientation, genetic or biometric data used to identify an individual. There are also separate rules for the processing of personal data relating to criminal convictions and offences.

1 Data Protection Co-ordinator and Privacy and Compliance Officer

Deborah Livsey is the Privacy and Compliance Officer at NMS who will endeavour to ensure that all personal data is processed in compliance with this Policy and the principles of the UK GDPR. The Head Teacher acts as Data Protection Coordinator for the school. Any questions about the operation of this policy or any concerns that

the policy has not been followed should be referred in the first instance to the Data Protection Coordinator.

2 The Principles

The GDPR sets out six principles relating to the processing of personal data which must be adhered to by data controllers (and data processors). These require that personal data must be:

- Processed **lawfully, fairly** and in a **transparent** manner;
- Collected for **specific and explicit purposes** and only for the purposes it was collected for;
- **Relevant** and **limited** to what is necessary for the purposes it is processed;
- Accurate and kept up to date;
- **Kept for no longer than is necessary** for the purposes for which it is processed; and
- Processed in a manner that ensures **appropriate security** of the personal data.

The UK GDPR 'accountability' principle also requires that NMS not only processes personal data in a fair and legal manner but that we are also able to *demonstrate* that our processing is lawful. This involves, among other things:

- keeping records of our data processing activities, including by way of logs and policies;
- documenting significant decisions and assessments about how we use personal data; and
- generally having an 'audit trail' vis-à-vis data protection and privacy matters, including for example when and how our Privacy Notice(s) were updated, how and when data protection consents were collected from individuals, how breaches were dealt with, etc.

3 Lawful grounds for data processing

Under the UK GDPR there are several different lawful grounds for processing personal data. One of these is consent. However, because the definition of what constitutes consent has been tightened under UK GDPR (and the fact that it can be withdrawn by the data subject) it is generally considered preferable to rely on another lawful ground where possible.

One of these alternative grounds is 'legitimate interests', which is the most flexible basis for processing. However, it does require transparency and a balancing assessment between the rights of the individual and the interests of the Controller. It can be challenged by data subjects and also means the Controller is taking on

extra responsibility for considering and protecting people's rights and interests. NMS's legitimate interests are set out in its **Privacy Notice**, as UK GDPR requires.

Other lawful grounds include:

- compliance with a legal obligation, including in connection with employment and diversity;
- contractual necessity, e.g. to perform a contract with staff or parents;
- a narrower set of grounds for processing special categories of personal data (such as health information), which includes explicit consent, emergencies, and specific public interest grounds.

4 Headline responsibilities of all staff

Record-keeping

It is important that personal data held by NMS and the schools is accurate, fair and adequate. You are required to inform NMS if you believe that *your* personal data is inaccurate or untrue or if you are dissatisfied with the information in any way. Similarly, it is vital that the way you record the personal data of others – in particular colleagues, pupils and their parents – is accurate, professional and appropriate.

Staff should be aware of the rights set out below, whereby any individuals about whom they record information in emails and notes on school business may have the right to see that information. This absolutely must not discourage staff from recording necessary and sometimes difficult records of incidents or conversations involving colleagues or pupils, in accordance with NMS's other policies, and grounds may sometimes exist to withhold these from such requests. However, the starting position is to record every document or email in such a way that you would be able to stand by it if the person about whom it was recorded were to see it.

Data handling

All staff have a responsibility to handle the personal data which they come into contact with fairly, lawfully, responsibly and securely and in accordance with all relevant school policies and procedures. In particular, there are data protection implications across a number of areas of NMS's and the schools' wider responsibilities such as safeguarding and IT security, so all staff should read and comply with the following policies:

- Child Protection and Safeguarding
- Anti-Bullying
- Acceptable Use of I.T. and Remote working
- Bring Your Own Device
- Staff Code of Conduct

- Online Safety
- Privacy Notice
- Taking, Storing and Using Images of Children

Responsible processing also extends to the creation and generation of new personal data /records, as above, which should always be done fairly, lawfully, responsibly and securely.

Avoiding, mitigating and reporting data breaches

One of the key obligations contained in the UK GDPR is on reporting personal data breaches. Data controllers must report certain types of personal data breach (those which risk an impact to individuals) to the ICO within 72 hours.

In addition, data controllers must notify individuals affected if the breach is likely to result in a "high risk" to their rights and freedoms. In any event, NMS via the schools must keep a record of any personal data breaches, regardless of whether we need to notify the ICO. If you become aware of a personal data breach you must notify your Data Protection Coordinator who will liaise with Deborah Livsey the Privacy and Compliance Officer at NMS. If staff are in any doubt as to whether or not you should report something, it is always best to do so. A personal data breach may be serious, or it may be minor, and it may involve fault or not, but NMS and the schools always needs to know about them to make a decision.

As stated above, NMS and either of the schools may not need to treat the incident itself as a disciplinary matter – but a failure to report could result in significant exposure for NMS and the schools, and for those affected, and could be a serious disciplinary matter whether under this Policy or the staff member's contract.

Care and data security

More generally, we require all school staff to remain conscious of the data protection principles (see section 3 above), to attend any training we require them to, and to use their best efforts to comply with those principles whenever they process personal information. Data security is not simply an online or digital issue but one that effects daily processes: filing and sending correspondence, notably hard copy documents. Staff should always consider what the most assured and secure means of delivery is, and what the consequences would be of loss or unauthorised access.

We expect all those with management / leadership responsibilities to be particular champions of these principles and to oversee the swift reporting of any concerns about how personal information is used by NMS and the school to the Data Protection Coordinator and the Privacy and Compliance Officer, and to identity the need for (and implement) regular staff training.

5 Rights of Individuals

In addition to NMS and the schools' responsibilities when processing personal data, individuals have certain specific rights, perhaps most significantly that of access to their personal data held by a data controller (i.e. NMS through its schools). This is known as the 'subject access right' (or the right to make 'subject access requests or SARs'). Such a request must be dealt with promptly and does not need any formality, nor to refer to the correct legislation. If you become aware of a subject access request (or indeed any communication from an individual about their personal data), you **must** tell both the Data Protection Coordinator at the School and the Privacy and Compliance Officer as soon as possible.

Individuals also have legal right to:

- require us to correct the personal data we hold about them if it is inaccurate;
- request that we erase their personal data (in certain circumstances);
- request that we restrict our data processing activities (in certain circumstances);
- receive from us the personal data we hold about them for the purpose of transmitting it in a commonly used format to another data controller;
- object, on grounds relating to their particular situation, to any of our particular processing activities where the individual feels this has a disproportionate impact on them; and
- object to automated individual decision-making, including profiling (where a significant decision is made about the individual without human intervention), and to direct marketing, or to withdraw their consent where we are relying on it for processing their personal data.

Except for the final bullet point, none of these rights for individuals are unqualified and exceptions may well apply. In any event, however, if you receive a request from an individual who is purporting to exercise one or more of their data protection rights, you **must** tell the Data Protection Coordinator and the Privacy and Compliance Officer as soon as possible as these rights are subject to statutory requirements including as regards the timeframes for responding. Please see Complaints section below.

6 Data Security: online and digital

NMS must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to personal data. As such, no member of staff is permitted to remove personal data from school premises or Head Office, whether in paper or electronic form and wherever stored **without due regard for its security**. Where a staff member is permitted to take data offsite it will need to be held on an encrypted

device. Use of personal email accounts or unencrypted personal devices for official school business is not permitted.

7 Summary

It is in everyone's interests to get data protection right and to think carefully about data protection issues: this means handling all personal information with which you come into contact fairly, lawfully, securely and responsibly.

A good rule of thumb here is to ask yourself questions such as:

- Would I be happy if my own personal information were being used (for example, shared with a third party) in the way I am proposing? Would I expect it?
- Would I wish to stand by how I have recorded this information in an email or official record if the person concerned was able to see it?
- What would be the consequences of my losing or misdirecting this personal data?

Data protection law is therefore best seen not as oppressive red tape, or a reason not to do something necessary or important, but a code of useful and sensible checks and balances to improve how to handle and record personal information and manage our relationships with people.

8. Complaints regarding personal data

Whilst NMS and the School is committed to handling personal data fairly and securely, If any member of staff is notified by an individual that they have concerns or a complaint regarding how NMS or the School has handled their data, be it in the collection, use or storage of their personal data, or have concerns about their own personal data, they can raise it directly as detailed below.

Please note that using this process for a data protection complaint does not preclude parents from raising a complaint using the statutory complaints procedure as laid out in the **Complaints Policy.**

How to make a data protection complaint

Individuals can submit a data protection complaint by contacting the Data Protection coordinator,

- By email: head@faradayschool.co.uk
- By telephone: 020 7719 9342
- By post: Faraday School, Old Gate House, 7 Trinity Buoy Wharf, London E14 0FH

`To help the School investigate the complaint quickly please provide:-

- Full name and contact details
- A clear description of the concern (eg. inaccurate data, unauthorised sharing)
- Relevant dates and any supporting documents
- The outcome you are hoping to achieve (eg. correcting or deleting data)

Our process and timeline

We aim to resolve data complaints promptly and transparently, our process includes:-

- We will acknowledge the complaint in writing within 30 days of receipt.
- We will investigate your concerns thoroughly and provide updates as to progress
- We will share the findings with you and explain any actions we have taken to resolve the issue without undue delay.

We encourage you to try resolving your data protection concerns with the School first. But if you are not satisfied with the outcome of your complaint, or if you feel the School has not handled it appropriately, you have the right to complain to the *Information Commissioner's Office (ICO)*.

Alarie Drummonds
Head teacher
September 2026

Review approved by Deborah Livsey CEO

The New Model School Company Limited

September 2026

Next review date: August 2027