



Data Protection Policy (GDPR)	
Independent School Standards: paragraphs 34	
Policy content: The New School is registered with the ICO: The data compliance officer is Lee Cooper. We ensure that personal data is processed fairly and lawfully, is accurate, is kept secure and is retained for no longer than is necessary	
Latest ratification by Trustees:	Sept 2023
Next review by Trustees:	October 2024
Latest Update:	August 2023
Links:	Online safety policy

Data Protection Policy

Data handling and privacy

Legislation

The New School collects and stores data in accordance with the six data protection principles, as set out within the Data Protection Act 2018. Data protection legislation requires organisations to adhere to the following best practice principles:

- All personal data must be processed fairly, lawfully and transparently.
- Personal data must be obtained only for specific, explicit and lawful purposes and must not be processed in any manner incompatible with the purposes for which it was collected.
- Personal data must be adequate, relevant and not excessive in relation to the original purpose for which it was processed.
- Personal data must be accurate, kept up to date and every reasonable step taken to ensure that any inaccurate data is erased or rectified without delay.
- Personal data must not be kept for any longer than is necessary for the purpose for which it was collected.
- Personal data must be processed in a manner that ensures appropriate security, using technical or organisation measures. These measures should include protection against unauthorised or unlawful processing and against accidental loss, destruction or damage. Additionally, the data controller (the organisation carrying out the pre- employment checks) must be able to demonstrate accountability, that is, they can prove they take responsibility for their actions with regards to personal data.

Sensitive personal data

Data from which a person can be identified, including data that, when combined with other readily available information, leads to a person being identified.

The New School collects sensitive personal data including:

- Contact details
- Racial or ethnic origin
- Religious beliefs, or beliefs of a similar nature

For children specifically:

- Free school meal eligibility
- Attendance information (attendance/absences/reasons/action)
- Relevant medical information
- Assessment information, including statutory assessment data
- End of year reports
- Safeguarding information
- SEND information
- Exclusions/behaviour information
- Previous schools' records

For staff specifically:

- Where a person is a member of a trade union
- Physical and mental health
- Sexual orientation
- Whether a person has committed, or is alleged to have committed, an offence
- Criminal convictions
- Safeguarding information
- SEND information
- Previous schools' or employer records

What data do we collect, hold and process?

The categories of young person and parents/carer information may include:

- Personal information (name, address, unique pupil reference number, next of kin, emergency contact, NHS number)
- Sensitive personal data (as above)
- Photographs

The categories of school workforce information include:

- Personal information (name, address, marital status, next of kin, emergency contact, employee/teacher number, national insurance number)
- Sensitive personal data (as above)
- Recruitment information (right to work documentation, references, application form)
- Contract information (such as start dates, hours worked, post, roles)
- Salary information (including annual leave, pension and benefits information)
- Bank account details, payroll records and tax status information
- Work absence information (such as number of absences and reasons)
- Organisational health (OH) assessment files
- Qualifications and employment records
- Performance information
- Outcomes of any disciplinary/grievance procedures
- Photographs

How do we collect data?

We only collect and use young person and parent/carer information when the law allows us to. The ways we collect data from young people and their parents/carers is through:

- Admission forms
- Acceptance of a school place forms
- Email subscription form on our website
- Emails from parents

We only collect and use staff and job applicant information when the law allows us to. The ways we collect data from staff and job applicants is through:

- Job application forms and CVs
- Equality and diversity monitoring
- P45 or HRMC starter checklist
- Email subscription form on our website
- Emails from job seekers
- Medical notes if applicable
- Organisational health (OH) assessments if applicable

Whilst most of the information we ask for is mandatory, some is provided on a voluntary basis. In order to comply with the General Data Protection Regulations, we will inform parents/carers, staff and job applicants when certain information is required as a necessity, and when certain information is a choice.

How do we use our data?

We process data under the General Data Protection Regulations 2018 (Articles 6 and 9) and the Education Act 1996. The New School will use and share anonymised data with third parties for the purpose of running, funding and evaluating the school. As the data controller, The New School will ensure GDPR compliant data protection and data sharing protocols are in place with any third party to enable the safe and secure sharing, processing and destruction of data to defined data use requirements and data timescales.

The purpose of collecting this data is to assist in the running of the school, including:

- Supporting young people's learning
- Monitoring and reporting on young people's progress
- Providing appropriate pastoral care
- Assessing the quality of our services
- Complying with the law regarding data

sharing Where we need to:

- Employ suitable staff members.
- Fulfil a contract we have entered into.
- Comply with a legal obligation.
- Carry out a task in the public interest.

Less commonly, we may also use personal information where:

- We have been given consent to use it in a certain way. Where consent has been provided, it may be withdrawn at any time.
- We need to protect vital interests.
- We have legitimate interests in processing the data.

Some reasons listed for collecting and using personal information overlap. There may be several reasons that justify the school's use of personal data.

How do we store data?

We create and maintain files for each young person, staff member and job applicant. The information contained in these files is kept secure and is only used for purposes directly relevant to the young person, or staff member's employment or a job applicant's recruitment process.

How long do we keep data?

Young people

Electronic files are retained until the young person is 25 years old from their last school setting. If a young person is transferring to a different school, their file is sent to their new school within two weeks of The New School making contact. In circumstances where external agencies have been involved (e.g. tribunal) documents are retained for a period of 6 years after the young person has transferred to another setting.

If files containing sensitive data are stored on a portable device, this device will be locked in a storage unit when not being used.

Staff and job applicants

Once employment or the recruitment process has terminated we retain files and delete information as outlined below:

DOCUMENTS	RETENTION PERIOD
Job application forms and documents, CVs	End of recruitment process + 6 months, longer with consent
Employee offer letter	Date of termination + 40 years
DBS clearance	Date of termination + 40 years
Eligibility to work in UK evidence	Date of termination + 40 years
Medical clearance/Occupational Health/Sickness records	Date of termination + 40 years
Qualifications	Date of termination + 40 years
Workplace injury documents	Date of termination + 40 years
Name, DOB, FDOS, Employment History (computer files)	Permanent
Next of kin details	Until superseded
Opt out of Working Time Directive	Date of termination of agreement + 2 years

Job evaluation documents	Date of termination + 5 years
Leave (annual, maternity/paternity, sick)	Date of termination + 6 years
Contract variations	Date of termination + 6 years
Disciplinary action (with sanction)	Date of termination + 6 years
Disciplinary action (inappropriate behaviour towards child/safeguarding)	Permanent
Employment tribunal documentation	Date of termination + 7 years
Compromise agreements	Date of termination + 7 years
Termination records (resignation, voluntary redundancy, retirement, death where pension has not been paid)	Date of termination + 12 years

How and why do we share data?

Where it is legally required, or necessary for another reason allowed under data protection law, we may share information with:

- The Local Authority (Croydon or other if applicable)
- School's that a young person attends after leaving us
- The Department for Education
- OFSTED
- Professional bodies and agencies (police, court, tribunals, health professionals)
- Security organisations
- Funding bodies

We do not share information about young people, staff members or job applicants with anyone without consent unless the law and our policies allow us to do so.

With reference to the list stated above, the reasons for sharing information are:

- **Local Authority**
We are required to share information about The New School's employees with Croydon council under Section 5 of the Education Regulations 2007 and amendments (Supply of Information about the School Workforce, England).
- **Department for Education and Funding Bodies**
We share personal data with the Department for Education (DfE) on a statutory basis under Section 5 of the Education Regulations 2007 and amendments (Supply of Information about the School Workforce, England). This data sharing underpins workforce policy monitoring, evaluation and funding requirements and links to school funding/ expenditure and the assessment of educational attainment.

- We share data about young people with the Department for Education, school inspectorates, local authority and other funding bodies based on statutory requirements where relevant for independent schools and funding requirements. This data sharing underpins school funding and educational attainment policy and monitoring. We are required to share information about young people with Croydon council and the Department for Education under Section 3 of the Education Regulations 2013 (Information About Individual pupils UK).

To be granted access to school workforce information, organisations must comply with the DfE strict terms and conditions covering the confidentiality and handling of the data, security arrangements, retention and use of the data. For more information about the DfE data sharing process, please visit <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

What are your data protection rights?

Under data protection legislation young people, parents/carers, staff members and job applicants have the right to request access to information held about them. To request personal information, or be given access to your record, please contact the school's data protection officer by emailing hr@thenewschool.org.uk.

Young people, parents/carers, employees and job applicants also have the right to:

- Object to the processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent processing for the purpose of direct marketing.
- Object to decisions being taken by automated means.
- In certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed.
- Claim compensation for damages caused by a breach of the Data Protection regulations.

If a young person, parent/carer, member of staff or job applicant has a concern about the way we are collecting or using personal data, we ask that concerns are raised with the school's data protection officer (DPO) by emailing hr@thenewschool.org.uk in the first instance. The DPO will reply to a written concern within 2 school weeks.

Further recourse

Should the DPO not be able to allay or resolve the concern the chair of trustees should be contacted by email: marknorbury@Unltd.org.uk who will reply to the email within two school weeks. Alternatively, the Information Commissioner's Office can be contacted at <https://ico.org.uk/concerns/>