



Personal Information and Data: Sharing, privacy and security

Policy and Procedures

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Context

Reflective School Support will adhere to the Legislative framework set out in the General Data Protection Regulation (GDPR):

[REGULATION \(EU\) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016](#)

on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

In addition, this policy complies with regulation 5 of the [Education \(Pupil Information\) \(England\) Regulations 2005](#), which gives parents the right of access to their child's educational record.

Reflective School Support Limited processes personal data relating to parents, pupils, staff and subcontractors, commissioners (including schools) and therefore is a data controller.

Reflective School Support Limited is registered with the ICO and has paid its data protection fee to the ICO, as legally required. Deborah Barnes (Director) is the registered Data Controller.

Personal Data:

In order to carry out relevant educational activities person(s) representing Reflective School Support may, at times, be required to access Personal Data. This may mean any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier e.g. name and address, date of birth, educational history, prior qualifications, relevant health or social information.

This information could be shared by, or with, the Local Authority or representatives and/or other commissioners.

In accordance with Article 5 personal data shall be:

“a) processed lawfully, fairly and in a transparent manner in relation to individuals;

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- b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

The stated categories of reasons why data may be processed are:

Article 6(1)(b) where:

“processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract”

Information Security breach

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.

Should such a breach occur then Deborah Barnes will inform the ICO within 72 hours and Commissioners within 24 hours of knowledge of any breach of security.

Privacy Statement

Privacy information set out below will be shared with parents/carers as part of an induction pack. Copies of policies are available either via the Reflective School Support Limited [website](#) or on request

Initial consent for information sharing should be sought by commissions in accordance with their own policies and procedures prior to the preparation of an Individual Learning Plan which



constitutes an agreement with Reflective School Support, commissioners, parents/carers and the pupil.

[Information for service users](#)

[Who will have access to personal data?](#)

Only Reflective School Support Directors – Deborah Barnes and Craig Barnes and Business Manager, Katharine Barnes and any other Tutor/s working directly with the pupil.

[Why is personal data needed?](#)

In order to meet the requirements of the contract with the Commissioner to provide bespoke tuition to the pupil taking full account of any relevant educational, family, social or health requirements.

Initials rather than full name will be used for identification wherever possible.

[Where will the personal data be kept?](#)

On the hard drive of the computers of Reflective School Support Directors and Business Manager and any person providing direct tutoring in a password protected file – not on mobile equipment such as USB drives.

Parent/carer phone contact details will be kept by Reflective School Support staff on business mobile phones in order to contact parents/carers with relevant information such as lesson timetables.

All appropriate measures will be taken to ensure security of the premises to prevent physical theft or damage to information.

All appropriate measures will be taken to provide cybersecurity including virus protection, firewall etc. Where possible, essential communication between tutors, staff or other subcontractors will use systems with end to end encryption

On paper copies of the Personal Education Plan kept securely in a locked file unless in transit between the Reflective School Support base and the venue for tuition or meetings.

[Who will information be shared with?](#)

The Commissioner and any relevant representatives or officers of the Local Authority with legitimate reason e.g. teachers at a new school, Social Workers.

Information may be shared with other agencies should this be required under the Safeguarding Policy of Reflective School Support.



How long will information or data be kept?

Commissioners will receive copies of any relevant information e.g. assessment data at the end of a period of tuition. Copies will be maintained for a period of 2 years.

Can you have copies of any personal data kept?

Yes, but at your cost should this require printing

Can I complain if I have a concern about my data?

Yes, to the commissioner of the contract – details will be on the Individual Learning Plan.

What are my rights?

You have the rights to access your personal data; request rectification (changes if you think something is not correct); object to processing and have your personal data erased. Contact details of Reflective School Support are on your Individual Learning Plan.

Information for Staff

Staff and any subcontractors operating on behalf of the company are responsible for:

- Collecting, storing and processing any personal data in accordance with this policy
- Informing Directors of any changes to their personal data, such as a change of address
- Contacting the DPO in the following circumstances:
 - With any questions about the operation of this policy, data protection law, retaining personal data or keeping personal data secure
 - If they have any concerns that this policy is not being followed
 - If they are unsure whether or not they have a lawful basis to use personal data in a particular way
 - If they need to rely on or capture consent, draft a privacy notice, deal with data protection rights invoked by an individual, or transfer personal data outside the European Economic Area
 - If there has been a data breach
 - Whenever they are engaging in a new activity that may affect the privacy rights of individuals

- If they need help with any contracts or sharing personal data with third parties

Personal data and Subject Access Requests.

Personal data about a child belongs to that child, and not the child's parents or carers. For a parent or carer to make a subject access request with respect to their child, the child must either be unable to understand their rights and the implications of a subject access request or have given their consent.

Children below the age of 12 are generally not regarded to be mature enough to understand their rights and the implications of a subject access request. Therefore, most subject access requests from parents or carers of pupils may be granted without the express permission of the pupil. Where children are aged over 12 the permission of the pupil will be expected. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

When responding to requests, we:

- May ask the individual to provide 2 forms of identification
- May contact the individual via phone to confirm the request was made
- Will respond without delay and within 1 month of receipt of the request (or receipt of the additional information needed to confirm identity, where relevant)
- Will provide the information free of charge
- May tell the individual we will comply within 3 months of receipt of the request, where a request is complex or numerous. We will inform the individual of this within 1 month, and explain why the extension is necessary

We may not disclose information for a variety of reasons, such as if it:

- Might cause serious harm to the physical or mental health of the pupil or another individual
- Would reveal that the child is being or has been abused, or is at risk of abuse, where the disclosure of that information would not be in the child's best interests
- Would include another person's personal data that we can't reasonably anonymise, and we don't have the other person's consent and it would be unreasonable to proceed without it
- Is part of certain sensitive documents, such as those related to crime, immigration, legal proceedings or legal professional privilege, management forecasts, negotiations, confidential references, or exam scripts

If the request is unfounded or excessive, we may refuse to act on it, or charge a reasonable fee to cover administrative costs. We will take into account whether the request is repetitive in nature when making this decision.

When we refuse a request, we will tell the individual why, and tell them they have the right to complain to the ICO or they can seek to enforce their subject access right through the courts.

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In addition to the right to make a subject access request (see above), and to receive information when we are collecting their data about how we use and process it, individuals also have the right to:

- Withdraw their consent to processing at any time
- Ask us to rectify, erase or restrict processing of their personal data (in certain circumstances)
- Prevent use of their personal data for direct marketing
- Object to processing which has been justified on the basis of public interest, official authority or legitimate interests
- Challenge decisions based solely on automated decision making or profiling (i.e. making decisions or evaluating certain things about an individual based on their personal data with no human involvement)
- Be notified of a data breach (in certain circumstances)
- Make a complaint to the ICO
- Ask for their personal data to be transferred to a third party in a structured, commonly used and machine-readable format (in certain circumstances)

Individuals should submit any request to exercise these rights to the DPO. If staff receive such a request, they must immediately forward it to the DPO.

Parents, or those with parental responsibility, have a legal right to free access to their child's educational record (which includes most information about a pupil) within 15 school days of receipt of a written request.

If the request is for a copy of the educational record, the school may charge a fee to cover the cost of supplying it.

This right applies as long as the pupil concerned is aged under 18.

There are certain circumstances in which this right can be denied, such as if releasing the information might cause serious harm to the physical or mental health of the pupil or another individual, or if it would mean releasing exam marks before they are officially announced.

