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General Data Protection Regulation

27<sup>th</sup> April 2018

Dear parents and carers,

The [General Data Protection Regulation \(GDPR\)](#) is a piece of EU-wide legislation which will determine how people's personal data is processed and kept safe, and the legal rights individuals have in relation to their own data.

'Personal data' means information that can identify a living individual.

The [regulation](#) will apply to all schools from **25 May 2018**, and will apply even after the UK leaves the EU.

I would like to take this opportunity to write to you with an update as to how this may effect you and your child here at St Michaels

## MAIN PRINCIPLES

The GDPR sets out the **key principles** that all personal data must be processed in line with.

- **Data must be:** processed lawfully, fairly and transparently; collected for specific, explicit and legitimate purposes; limited to what is necessary for the purposes for which it is processed; accurate and kept up to date; held securely; only retained for as long as is necessary for the reasons it was collected

There are also **stronger rights for individuals** regarding their own data.

- **The individual's rights include:** to be informed about how their data is used, to have access to their data, to rectify incorrect information, to have their data erased, to restrict how their data is used, to move their data from one organisation to another, and to object to their data being used at all

## NEW REQUIREMENTS

The GDPR is similar to the [Data Protection Act \(DPA\) 1998](#) (which schools including St Michael's already comply with), but strengthens many of the DPA's principles. The main changes are:

- Schools must appoint a data protection officer, who will advise on compliance with the GDPR and other relevant data protection law
- Privacy notices must be in clear and plain language and include some extra information – the school's 'legal basis' for processing, the individual's rights in relation to their own data



- Schools will only have a month to comply with subject access requests, and in most cases can't charge
- Where the school needs an individual's consent to process data, this consent must be freely given, specific, informed and unambiguous
- There are new, special protections for children's data
- The Information Commissioner's Office must be notified within 72 hours of a data breach
- Organisations will have to demonstrate how they comply with the new law
- Schools will need to carry out a data protection impact assessment when considering using data in new ways, or implementing new technology to monitor pupils
- Higher fines for data breaches – up to 20 million euros

In order for the school to be able to function appropriately and for ease of access we hold certain data on your child:

Your child's name, date of birth, address, contact details, (as well as an emergency contact number), the Ethnic Group your child belongs to and the language that your child speaks at home. You have already given us this information when you completed your application form for your child to take a place at the school.

We keep this information in paper form in your child's file and electronically using our Management Information system (MIS). This information is backed up every night and stored on our "I Cloud" in case of a system break down so that we can access this information again quickly. Once your child leaves the school- this information is passed up to your child's next school in paper form and electronically using a CTF Common Transfer Form. Once this has been done all your child's information kept in electronic form is deleted from our systems

We keep medical information on your child which again has been given to us by you on your child's entry to the school or if there is a change in your child's medical/health circumstances whilst at the school. This is also stored on our MIS and is deleted once your child has left the school.

Our MIS is linked up to our data tracking assessment tool which we use called Target Tracker. This allows us to input your child's assessment data whilst at St Michael's. This is shared with you at parent evenings and in the end of year report. It is deleted once your child leaves the school. We are obliged to return this assessment data to Medway LA and to the Dfe for children who have completed national assessments ie Early Years Foundation Profile, Year 1 phonics screening, Key stage 1 SATS ( Year 2) and KS2 SATS (Year 6)

We also hold information on your child on our MIS if your child is on the Special Needs Register which we may need for ease of access. Pupils characteristics including SEN diagnosis if applicable, spoken language etc is returned on an annual basis to the Dfe as part of an annual census to allow the Dfe to determine our funding amongst other national data analysis.

## Subject Access Requests

As parents of children under the age of 12 years old, you have the right to access the personal data and supplementary information St Michael's holds about your child. This allows you to be aware of, and verify the lawfulness of the school processing your child's data

### **The new rules: in summary**

There are a couple of changes to subject access requests under the General Data Protection Regulation (GDPR), in force from 25 May 2018. In most cases, St Michael's:

- Must provide the information **free of charge**
- Must comply within **1 month**
- Should provide the information in a commonly used electronic format, if the request was made electronically

In order to keep our records up to date we would ask you to complete the attached form regarding your permission for your child's photograph to be taken and shared on our website, twitter account and to go in the local press.

You must tick the box to give your permission. You must now opt in to give permission. Non completion of this form or leaving the box blank will be considered as not giving permission. Therefore your child will never appear on our website, (this includes photos on our newsletter because this is accessible through our website). They will be removed from group photos before they are taken for use on our school's twitter account, prospectus or in the local press. Please note their names will never be included

If you have already ticked the box to give us permission to use your child's image in previous correspondence such as when your child joined the school then there is no need to do so again- your permission has already been given. If you are unsure or want to clarify your position please do complete the form attached

Once any additional forms have been returned to the school, we will draw up a list of children whose permission has been granted for photos and a list of those who do not have permission. **Please remember if we hear nothing from you we will presume that you do not grant permission and your child's image will not be used**

Please complete and return this form by Tuesday 5<sup>th</sup> June 2018

Yours sincerely

Mrs Katharine Sexton  
headteacher

