**Coventry Extended Learning Centre (CELC)**

**Data Protection Policy**

**2021/2024**

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1. **Policy statement**

1.1 Everyone has rights with regard to the way in which their personal data is handled.  
During the course of our activities CELC will collect, store and process personal data about our pupils, workforce, parents and others. This makes us a data controller in relation to that personal data.

1.2 We are committed to the protection of all personal data and special category  
personal data for which we are the data controller.

1.3 This policy applies to all centres within CELC.

1.4 The staff intend to comply fully with the requirements and principles of the General Data Protection Regulation (GDPR), the Data Protection Law Enforcement Directive, as well as authorities tasked with enforcement.

1.5 The law imposes significant fines for failing to lawfully process and safeguard  
personal data and failure to comply with this policy may result in those fines being  
applied.

1.6 All members of our workforce must comply with this policy when processing  
personal data on our behalf. Any breach of this policy may result in disciplinary or  
other action.

2 **About this policy**

2.1 The types of personal data that we may be required to handle include information  
about pupils, parents, our workforce, and others that we deal with. The personal  
data which we hold is subject to certain legal safeguards specified in the General  
Data Protection Regulation (‘GDPR’), the Data Protection Act 2018, and other  
regulations (together ‘Data Protection Legislation’).

2.2 This policy and any other documents referred to in it set out the basis on which  
we will process any personal data we collect from data subjects, or that is provided  
to us by data subjects or other sources.

2.3 This policy does not form part of any employee's contract of employment and may  
be amended at any time.

2.4 This policy sets out rules on data protection and the legal conditions that must be  
satisfied when we process personal data.

2.5 Enquiries about this policy should be made to the Data Protection, Governance  
and Compliance Officer who can provide further information about School  
procedures. Further information can be obtained from the website https://ico.org.uk/ which outlines details of the relevant regulation and law in full.

1. **Definition of data protection terms**

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| **Term** | **Definition** |
| **Data** | is information which is stored electronically, on a computer, or in certain paper-based filing systems |
| **Data Subjects** | for the purpose of this policy include all living individuals about whom we hold personal data. This includes pupils, our workforce, staff, and other individuals. A data subject need not be a UK national or resident. All data subjects have legal rights in relation to their personal information |
| **Personal Data** | means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person |
| **Data Controllers** | are the people who or organisations which determine the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. We are the data controller of all personal data used in our business for our own commercial purposes |
| **Data Users** | are those of our workforce (including Governors and volunteers) whose work involves processing personal data. Data users must protect the data they handle in accordance with this data protection policy and any applicable data security procedures at all times |
| **Data Processors** | include any person or organisation that is not a data user that processes personal data on our behalf and on our instructions |
| **Processing** | is any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties |
| **Special Category Personal Data** | includes information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data |
| **Workforce** | Includes, any individual employed by CELC such as staff and those who volunteer in any capacity including Governors |
| **Consultancy Service** | includes any third party agreements concerning the provision of services to the School |

1. **Data Protection Officer**

Coventry City Council have a Data Protection Officer (DPO), supported by a team to make sure we respect your rights and obey the law. If you have any concerns or questions about how we look after your personal information, please contact the Data Protection Officer at [DPOTeam@coventry.gov.uk](mailto:DPOTeam@coventry.gov.uk)

1. **Data protection principles**

5.1 Anyone processing personal data must comply with the data protection principles.  
Personal data must be:

* + 1. Processed fairly and lawfully and transparently in relation to the data  
       subject;
    2. Processed for specified, lawful purposes and in a way which is not  
       incompatible with those purposes;
    3. Adequate, relevant and not excessive for the purpose;
    4. Accurate and up to date;
    5. Not kept for any longer than is necessary for the purpose; and
    6. Processed securely using appropriate technical and organisational  
       measures.
  1. Personal Data must also:
     1. be processed in line with data subjects' rights;
     2. not be transferred to people or organisations situated in other countries  
        without adequate protection.
  2. We will comply with these principles in relation to any processing of personal data  
     by the School.

1. **Fair and lawful processing**
   1. Data Protection Legislation is not intended to prevent the processing of personal data, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.
   2. For personal data to be processed fairly, data subjects must be made aware:

6.2.1 that the personal data is being processed;

6.2.2 why the personal data is being processed;

6.2.3 what the lawful basis is for that processing (see below);

6.2.4 whether the personal data will be shared, and if so with whom;

6.2.5 the period for which the personal data will be held;

6.2.6 the existence of the data subject’s rights in relation to the processing of  
that personal data; and

6.2.7 the right of the data subject to raise a complaint with the Information  
Commissioner’s Office in relation to any processing.

* 1. We will only obtain such personal data as is necessary and relevant to the purpose  
     for which it was gathered, and will ensure that we have a lawful basis for any  
     processing.
  2. For personal data to be processed lawfully, it must be processed on the basis of  
     one of the legal grounds set out in the Data Protection Legislation. We will  
     normally process personal data under the following legal grounds:
     1. where the processing is necessary for the performance of a contract  
        between us and the data subject, such as an employment contract;
     2. where the processing is necessary to comply with a legal obligation that  
        we are subject to, (e.g. the Education Act 2011);
     3. where the law otherwise allows us to process the personal data or we are  
        carrying out a task in the public interest; and
     4. where none of the above apply then we will seek the consent of the data  
        subject to the processing of their personal data.
  3. When special category personal data is being processed then an additional legal  
     ground must apply to that processing. We will normally only process special  
     category personal data under following legal grounds:
     1. where the processing is necessary for employment law purposes, for  
        example in relation to sickness absence;
     2. where the processing is necessary for reasons of substantial public  
        interest, for example for the purposes of equality of opportunity and  
        treatment;
     3. where the processing is necessary for health or social care purposes, for  
        example in relation to pupils with medical conditions or disabilities; and
     4. where none of the above apply then we will seek the consent of the data  
        subject to the processing of their special category personal data.
  4. We will inform data subjects of the above matters by way of appropriate privacy  
     notices which shall be provided to them when we collect the data or as soon as  
     possible thereafter, unless we have already provided this information such as at  
     the time when a pupil joins the school.
  5. If any data user is in doubt as to whether they can use any personal data for any  
     purpose then they must contact the DPO before doing so.  
       
     **Vital Interests**
  6. There may be circumstances where it is considered necessary to process personal  
     data or special category personal data in order to protect the vital interests of a  
     data subject.

The processing of personal data should be regarded as lawful where it is necessary  
to protect an interest which is essential for the life of the data subject or that of  
another natural person. Processing of personal data based on the vital interest of  
another natural person should in principle take place only where the processing  
cannot be manifestly based on another legal basis.

Vital interests might include medical emergencies where the data subject is not in  
a position to give consent to the processing. We believe that this will only occur  
in very specific and limited circumstances. In such circumstances we would  
usually seek to consult with the DPO in advance, although there may be  
emergency situations where this does not occur.

**Consent**

* 1. Where none of the other bases for processing set out above apply then the school must seek the consent of the data subject before processing any personal data for any purpose.
  2. There are strict legal requirements in relation to the form of consent that must be  
     obtained from data subjects.
  3. When pupils and or our workforce join the school a consent form will be required  
     to be completed in relation to them. This consent form deals with the taking and use of photographs and videos of them, amongst other things. Where appropriate  
     third parties may also be required to complete a consent form.
  4. In relation to all pupils under the age of 13 years old we will seek consent from an  
     individual with parental responsibility for that pupil.
  5. We will generally seek consent directly from a pupil who has reached the age of  
     13, however we recognise that this may not be appropriate in certain circumstances and therefore may be required to seek consent from and individual with parental responsibility. The data controller (The School) will seek guidance from the Information Commissioner and/or the School’s legal advisor in the event of a dispute.
  6. If consent is required for any other processing of personal data of any data subject  
     then the form of this consent must:
     1. Inform the data subject of exactly what we intend to do with their  
        personal data;
     2. Require them to positively confirm that they consent – we cannot ask  
        them to opt-out rather than opt-in; and
     3. Inform the data subject of how they can withdraw their consent.
  7. Any consent must be freely given, which means that we cannot make the provision  
     of any goods or services or other matter conditional on a data subject giving their consent
  8. The DPO must always be consulted in relation to any consent form before consent  
     is obtained.

A record must always be kept of any consent, including how it was obtained and  
when.

1. **Processing for limited purposes**
   1. In the course of our activities as a School, we may collect and process the personal  
      data set out in our Schedule of Processing Activities. This may include personal  
      data we receive directly from a data subject (for example, by completing forms or  
      by corresponding with us by mail, phone, email or otherwise) and personal data  
      we receive from other sources (including, for example, local authorities, other  
      schools, parents, other pupils or members of our workforce).
   2. We will only process personal data for the specific purposes set out in our  
      Schedule of Processing Activities or for any other purposes specifically permitted  
      by Data Protection Legislation or for which specific consent has been provided by  
      the data subject.
2. **Notifying data subjects**
   1. If we collect personal data directly from data subjects, we will inform them about:
      1. our identity and contact details as Data Controller and of the DPO;
      2. the purpose or purposes and legal basis for which we intend to process  
         that personal data;
      3. the types of third parties, if any, with which we will share or to which we  
         will disclose that personal data;
      4. whether the **personal data** will be transferred outside the European  
         Economic Area (‘**EEA**’) and if so the safeguards in place;
      5. the period for which their personal data will be stored, by reference to  
         our Retention and Destruction Policy;
      6. the existence of any automated decision making in the processing of the  
         personal data along with the significance and envisaged consequences of the processing and the right to object to such decision making; and
      7. the rights of the data subject to object to or limit processing, request  
         information, request deletion of information or lodge a complaint with the ICO.
   2. Unless we have already informed data subjects that we will be obtaining  
      information about them from third parties (for example in our privacy notices),  
      then if we receive personal data about a data subject from other sources, we will  
      provide the data subject with the above information as soon as possible  
      thereafter, informing them of where the personal data was obtained from.
3. **Adequate, relevant and non-excessive processing**
   1. We will only collect personal data to the extent that it is required for the specific  
      purpose notified to the data subject, unless otherwise permitted by Data  
      Protection Legislation.
4. **Accurate data**
   1. We will ensure that personal data we hold is accurate and kept up to date.
   2. We will take reasonable steps to destroy or amend inaccurate or out-of-date data.
   3. Data subjects have a right to have any inaccurate personal data rectified or erased.
5. **Timely processing**
   1. We will not keep personal data longer than is necessary for the purpose or  
      purposes for which they were collected. We will take all reasonable steps to destroy, or erase from our systems, all personal data which is no longer required.
6. **Processing in line with data subject's rights**
   1. We will process all personal data in line with data subjects' rights, in particular  
      their right to:
      1. request access to any personal data we hold about them;
      2. object to the processing of their personal data, including the right to  
         object to direct marketing;
      3. have inaccurate or incomplete personal data about them rectified;
      4. restrict processing of their personal data;
      5. have personal data we hold about them erased
      6. have their personal data transferred; and
      7. object to the making of decisions about them by automated means.

**The Right of Access to Personal Data**

**Data subjects** may request access to all **personal data** we hold about them. Such requests  
will be considered in line with the schools Subject Access Request Procedure.

**The Right to Object**

* 1. In certain circumstances **data subjects** may object to us **processing** their **personal  
     data**. This right may be exercised in relation to **processing** that we are undertaking on the basis of a legitimate interest or in pursuit of a statutory function or task  
     carried out in the public interest.
  2. An objection to **processing** does not have to be complied with where the school  
     can demonstrate compelling legitimate grounds which override the rights of the **data subject**.
  3. Such considerations are complex and must always be referred to the DPO upon  
     receipt of the request to exercise this right.
  4. In respect of direct marketing any objection to **processing** must be complied with.
  5. School is not obliged to comply with a request where the **personal data** is required in relation to any claim or legal proceedings.

**The Right to Rectification**

* 1. If a **data subject** informs the school that **personal data** held about them by the school is inaccurate or incomplete then we will consider that request and provide a response within one month.
  2. If we consider the issue to be too complex to resolve within that period then we  
     may extend the response period by a further two months. If this is necessary then we will inform the **data subject** within one month of their request that this is the  
     case.
  3. We may determine that any changes proposed by the **data subject** should not be  
     made. If this is the case then we will explain to the **data subject** why this is the case. In those circumstances we will inform the **data subject** of their right to  
     complain to the Information Commissioner’s Office at the time that we inform  
     them of our decision in relation to their request.

**The Right to Restrict Processing**

* 1. **Data subjects** have a right to “block” or suppress the **processing** of **personal data**.  
     This means that the school can continue to hold the **personal data** but not do anything else with it.
  2. The school must restrict the **processing** of **personal data**:

12.11.1 Where it is in the process of considering a request for **personal data** to be  
rectified (see above);

12.11.2 Where the school is in the process of considering an objection to  
processing by a **data subject**;

12.11.3 Where the **processing** is unlawful but the **data subject** has asked the school  
not to delete the **personal data**; and

12.11.4 Where the school no longer needs the **personal data** but the **data subject**has asked the School not to delete the **personal data** because they need it in relation to a legal claim, including any potential claim against the School.

* 1. If the School has shared the relevant **personal data** with any other organisation then we will contact those organisations to inform them of any restriction, unless this proves impossible or involves a disproportionate effort.
  2. The DPO must be consulted in relation to requests under this right.

**The Right to Be Forgotten**

12.14 **Data subjects** have a right to have **personal data** about them held by the School erased only in the following circumstances:

12.14.1 Where the **personal data** is no longer necessary for the purpose for which  
it was originally collected;

12.14.2 When a **data subject** withdraws consent – which will apply only where  
the School is relying on the individuals consent to the **processing** in the first place;

12.14.3 When a **data subject** objects to the **processing** and there is no overriding  
legitimate interest to continue that **processing** – see above in relation to the right to object;

12.14.4 Where the **processing** of the **personal data** is otherwise unlawful; and

12.14.5 When it is necessary to erase the **personal data** to comply with a legal  
obligation

* 1. The School are not required to comply with a request by a **data subject** to erase their **personal data** if the **processing** is taking place:

12.15.1 To exercise the right of freedom of expression or information;

12.15.2 To comply with a legal obligation for the performance of a task in the  
public interest or in accordance with the law;

12.15.3 For public health purposes in the public interest;

12.15.4 For archiving purposes in the public interest, research or statistical  
purposes; or

12.15.5 In relation to a legal claim.

* 1. If the School has shared the relevant personal data with any other organisation then we will contact those organisations to inform them of any erasure, unless this proves impossible or involves a disproportionate effort.
  2. The DPO must be consulted in relation to requests under this right.

**Right to Data Portability**

12.18 In limited circumstances a data subject has a right to receive their personal data in a machine readable format, and to have this transferred to other organisation.

* 1. If such a request is made then the DPO must be consulted.

**Data security**

13.1 We will take appropriate security measures against unlawful or unauthorised  
processing of personal data, and against the accidental loss of, or damage to, personal data.

13.2 We have in place procedures and technologies to maintain the security of all  
**personal data** from the point of collection to the point of destruction.

13.3 Security procedures include:

13.3.1 Entry controls. Any stranger seen in entry-controlled areas should be  
reported to the School Leadership Team.

13.3.2 Secure lockable desks and cupboards. Desks and cupboards should be  
kept locked if they hold confidential information of any kind. (Personal information is always considered confidential.)

13.3.3 Methods of disposal. Paper documents are shredded. Digital storage  
devices are destroyed when they are no longer required. IT assets shall be disposed of in accordance with the Information Commissioner’s Office guidance on the disposal of IT assets.

13.3.4 Equipment. Data users must ensure that individual monitors do not show  
confidential information to passers-by and that they log off from their PC when it is left unattended.

13.3.5 Data users working away from the school premises – paper documents.  
Paper documents containing personal data should be kept secure and on the person who requires the document. When not in use the documents should be secured and not accessible by anyone who does not belong to the School. All documents no longer required when working away from school premises shall be returned to school for secure filing or destruction.

If data users are using personal laptops/desktops/macbooks (‘computers’) and accessing work emails, staff must ensure ‘computers’ are password protected and go through the relevant staff web browser to access emails. Data users cannot download pupil data files onto personal ‘computers’. Data users are recommended to encrypt personal ‘computers’.

13.3.6 Data users working away from the school premises – electronic working. In addition to adhering to 13.3.4 of this section to ensure protection and security of data, staff are permitted to work remotely using only audited systems including managed remote desktop technology, Google Suite and Microsoft Office 365.

13.3.7 Data users providing information electronically – where the information  
is confidential and contains personal and/or sensitive data shall be password protected. Personal data (in full) shall never be used in the subject line or body of an electronic communication including emails unless password protected/encrypted.

13.3.8 Data users providing information telephonically – standard data protection questioning and verification of individuals’ procedure shall be followed when releasing information.

13.3.9 Data users working on personal devices is permitted on the understanding  
that mobile devices are password protected.

13.3.10 Data users working in the capacity of school to the board and/or school governor shall only use the email account provided by the school in respect of school business.

13.3.11 The school allows use of USB to transport working documents. However,  
**USB** devices must not have *any* personal data stored to them.

13.3.12 Document printing. Documents containing personal data must be  
collected immediately from printers and not left on photocopiers.

13.3.13 Any member of staff found to be in breach of the above security measures may be subject to disciplinary action.

14 **Data Protection Impact Assessments**

14.1 The School takes data protection very seriously, and will consider and comply with the requirements of Data Protection Legislation in relation to all of its activities whenever these involve the use of personal data, in accordance with the principles of data protection by design and default.

14.2 In certain circumstances the law requires us to carry out detailed assessments of  
proposed **processing**. This includes where we intend to use new technologies which might pose a high risk to the rights of **data subjects** because of the types of  
data we will be **processing** or the way that we intend to do so.

14.3 The School will complete an assessment of any such proposed **processing** and has  
a template document which ensures that all relevant matters are considered.

14.4 The DPO should always be consulted as to whether a data protection impact  
assessment is required, and if so how to undertake that assessment.

15 **Disclosure and sharing of personal information**

15.1 We may share **personal data** that we hold about **data subjects**, and without their  
consent, with other organisations Education, Education and Skills Funding Agency “ESFA”, Ofsted, health authorities and professionals, the Local Authority, examination bodies, other schools, and other organisations where we have a lawful basis for doing so.

15.2 The School will inform **data subjects** of any sharing of their **personal data** unless we are not legally required to do so, for example where **personal data** is shared with the police in the investigation of a criminal offence.

15.3 In some circumstances we will not share safeguarding information. Please refer  
to our Child Protection Policy.

15.4 Further detail is provided in our Schedule of Processing Activities.

16 **Data Processors**

16.1We contract with various organisations who provide services to the School, including:

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| **Service** | **Data Implications** | |
| Microsoft Office365 | Email, calendar storage and retrieval access | |
| SIMS | Stores sensitive personal information about staff, students and parents as ( Management Information System ) MIS service | |
| CPOMS | Stores sensitive personal information about  Students and parents for safeguarding. | |
| Class Charts | Seating plans, stores personal data of all students and is linked to SIMS | |
| GCSE Pod | Exam revision tool | |
| Evolve | Stores and personal information about staff and students for educational trips and extra curricular activities | |
| ICAS | Online skills-based assessment program which recognises and rewards student achievement. | |
| Payroll system | Stores sensitive personal information about staff | |
| myemployment.coventry.gov.uk | | Secure online system for staff to access payment and pension information |
| Providers for childcare vouchers | |  |

**NB this list is not exhaustive and services are reviewed in accordance with contract renewals**

16.2 In order that these services can be provided effectively we are required to transfer **personal data** of **data subjects** to these **data processors**.

16.3 **Personal data** will only be transferred to a **data processor** if they agree to comply  
with our procedures and policies in relation to data security, or if they put in place adequate measures themselves to the satisfaction of the School. The School will  
always undertake due diligence of any **data processor** before transferring the  
**personal data** of **data subjects** to them.

16.4 Contracts with **data processors** will comply with Data Protection Legislation and  
contain explicit obligations on the **data processor** to ensure compliance with the Data Protection Legislation, and compliance with the rights of **Data Subjects**.

17 **Images and Videos**

17.1 As a matter of policy we do not permit parents and others attending school events  
to take photographs and video recordings of a school performance involving their child. Where possible recordings and photographs may be provided by the school.

17.2 The School does not however agree to any such photographs or videos being used  
for any other purpose, but acknowledges that such matters are, for the most part, outside of the ability of the School or any school within it to prevent.

17.3 The School asks that parents and others do not post any images or videos which  
include any child other than their own child on any social media or otherwise publish those images or videos.

17.4 As a School we want to celebrate the achievements of our pupils and therefore may  
want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering  
school events or achievements. We will seek the consent of pupils, and their  
parents where appropriate, before allowing the use of images or videos of pupils  
for such purposes.

17.5 Whenever a pupil begins their attendance at a school within the School they, or  
their parent where appropriate, will be asked to complete a consent form in relation to the use of images and videos of that pupil. We will not use images or  
videos of pupils for any purpose where we do not have consent.

18 **CCTV**

18.1 The School operates a CCTV system at some of our centres and where this  
applicable a CCTV Policy is available upon request.

19 **Changes to this policy**

We may change this policy at any time. Where appropriate, we will notify **data subjects** of  
those changes.