ACHIEVE BEYOND SCHOOLS

"We R.A.I.S.E. each other"

# Data Protection Policy

**Independent School Standards: paragraphs 7, 16 and 34**

**Achieve Beyond Schools Ltd is registered with the ICO as a Tier 1 data controller: ZC103506.**

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| **Latest review and update** | September 2026 |
| **Next external review and update** | September 2027 |

## AIM

Achieve Beyond Schools aims to ensure that all personal data collected about adults, pupils, parents and carers, visitors and other individuals is collected, stored, and processed in accordance with UK data protection law. This policy applies to all personal data, regardless of whether it is in paper or electronic format.

## LEGISLATION AND GUIDANCE

This policy meets the requirements of the:

- UK General Data Protection Regulation (UK GDPR) – the EU GDPR was incorporated into UK legislation, with some amendments, by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2020.
- Data Protection Act 2018 (DPA 2018).

It is based on guidance published by the Information Commissioner's Office (ICO) on the UK GDPR and guidance from the Department for Education (DfE) on Generative artificial intelligence in education.

## DEFINITIONS

**Personal data**: Any information relating to an identified, or identifiable, living individual. This may include the individual's:

- Name (including initials)
- Identification number
- Location data
- Online identifier, such as a username

It may also include factors specific to the individual's physical, physiological, genetic, mental, economic, cultural, or social identity.

**Special categories of personal data**
Personal data, which is more sensitive and so needs more protection, including information about an individual's:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetics
- Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
- Health – physical or mental
- Sex life or sexual orientation

**Processing**
Anything done to personal data, such as collecting, recording, organising, structuring, storing, adapting, altering, retrieving, using, disseminating, erasing, or destroying. Processing can be automated or manual.

**Data subject**
The identified or identifiable individual whose personal data is held or processed.

**Data controller**
A person or organisation that determines the purposes and the means of processing personal data.

**Data processor**
A person or other body, other than an employee of the data controller, who processes personal data on behalf of the data controller.

**Personal data breach** A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

## DATA PROTECTION OFFICER (DPO) VS. DATA COMPLIANCE OFFICER

Under the UK GDPR, a data controller will only be required to appoint a DPO if any of the below three conditions are met:

- the processing is carried out by a 'public authority'
- the 'core activities' require regular and systematic monitoring of data subjects on a 'large scale'
- where 'core activities' involve 'large scale' processing of 'special categories' of personal data and relating to criminal convictions and offences.

In the case of Achieve Beyond Schools, none of these conditions are met, as outlined below, and therefore the school is not required to appoint a DPO. As independent schools, Achieve Beyond Schools does not qualify as a 'public authority'. This is affirmed by the definitions of 'public authority' and 'public body' given in both the Freedom of Information Act 2000 and the Data Protection Act 2018. As an educational provision, the 'core activity' at Achieve Beyond Schools is teaching and therapeutic support, which does not inherently entail regular and systematic monitoring of data subjects on a 'large scale'. Neither the number of data subjects monitored, nor the volume of personal data processed by Achieve Beyond Schools qualifies as 'large scale' by a reasonable interpretation of the term, which remains undefined in statute.

## DATA CONTROLLER:

Achieve Beyond Schools Limited is the Data Controller and ensures that all data is processed in compliance with this policy and with the requirements of the General Data Protection Regulation. The school is registered with the ICO, as legally required. This policy applies to **all colleagues** employed by our schools, and to external organisations or individuals working on our behalf.

## RESPONSIBILITIES

**Proprietor Body**
The Proprietor Body has overall responsibility for ensuring that schools comply with all relevant data protection obligations.

**Data protection officer (DPO)**
The data protection officer (DPO) is responsible for overseeing the implementation of this policy and reviewing this policy on an annual basis, monitoring our compliance with data protection law, and developing related policies and guidelines where applicable. They will provide an annual report of their activities directly to the proprietor board and, where relevant, report to the board their advice and recommendations on school data protection issues. The DPO is also the first point of contact for individuals whose data the school processes, and for the ICO. Our DPO is the Executive Head and acts as the representative of the data controller on a day-to-day basis. They are contactable via email.

**Colleagues**
Colleagues are responsible for:

- Collecting, storing, and processing any personal data in accordance with this policy.
- Informing the school 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 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 UK
    - 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.

## DATA PROTECTION PRINCIPLES

The UK GDPR is based on data protection principles that our schools must comply with. The principles say that personal data must be:

- Processed lawfully, fairly and in a transparent manner
- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary to fulfil the purposes for which it is processed
- Accurate and, where necessary, kept up to date
- Kept for no longer than is necessary for the purposes for which it is processed
- Processed in a way that ensures it is appropriately secure

## COLLECTING PERSONAL DATA

**Lawfulness, fairness and transparency**
We will only process personal data where we have 1 of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the school can **fulfil a contract** with the individual, or the individual has asked the school to take specific steps before entering into a contract.
- The data needs to be processed so that the school can **comply with a legal obligation**.
- The data needs to be processed to ensure the **vital interests** of the individual or another person i.e. to protect someone's life.
- The data needs to be processed so that the schools, as a public authority, can **perform a task in the public interest or exercise its official authority**.
- The data needs to be processed for the **legitimate interests** of the schools (where the processing is not for any tasks the schools perform as a public authority) or a third party, provided the individual's rights and freedoms are not overridden.
- The individual (or their parent/carer when appropriate in the case of a pupil) has freely given clear **consent**.

For special categories of personal data, we will also meet one of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **explicit consent**.
- The data needs to be processed to perform or exercise obligations or rights in relation to **employment, social security or social protection law**.
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent.
- The data has already been made **manifestly public** by the individual.
- The data needs to be processed for the establishment, exercise, or defence of **legal claims**.
- The data needs to be processed for reasons of **substantial public interest** as defined in legislation.
- The data needs to be processed for **health or social care purposes**, and the processing is done by, or under the direction of, a health or social work professional or by any other person obliged to confidentiality under law.
- The data needs to be processed for **public health reasons**, and the processing is done by, or under the direction of, a health professional or by any other person obliged to confidentiality under law.
- The data needs to be processed for **archiving purposes**, scientific or historical research purposes, or statistical purposes, and the processing is in the public interest.

For criminal offence data, we will meet both a lawful basis and a condition set out under data protection law. Conditions include:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given **consent**.
- The data needs to be processed to ensure the **vital interests** of the individual or another person, where the individual is physically or legally incapable of giving consent.
- The data has already been made **manifestly public** by the individual.
- The data needs to be processed for or in connection with legal proceedings, to obtain legal advice, or for the establishment, exercise, or defence of **legal rights**.

- The data needs to be processed for reasons of **substantial public interest** as defined in legislation.

Whenever we collect personal data directly from individuals, we will provide them with the relevant information required by data protection law. We will always consider the fairness of our data processing. We will ensure we do not handle personal data in ways that individuals would not reasonably expect or use personal data in ways which have unjustified adverse effects on them.

## LIMITATION, MINIMISATION AND ACCURACY

We will only collect personal data for specified explicit and legitimate reasons. We will explain these reasons to the individuals when we first collect their data. If we want to use personal data for reasons other than those given when we first obtained it, we will inform the individuals concerned before we do so and seek consent where necessary. Colleagues must only process personal data where it is necessary to do their jobs. We will keep data accurate and, where necessary, up to date. Inaccurate data will be rectified or erased when appropriate. In addition, when colleagues no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will also be completed in accordance with the schools' record retention schedule.

## SHARING PERSONAL DATA

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our colleagues at risk.
- We need to liaise with other agencies – we will seek consent as necessary before doing this.
- Our suppliers or contractors need data to enable us to provide services to adults and pupils for example, IT companies. When doing this, we will:
    - only appoint suppliers or contractors that can provide sufficient guarantees that they comply with UK data protection law
    - establish a contract with the supplier or contractor to ensure the fair and lawful processing of any personal data we share
    - only share data that the supplier or contractor needs to carry out their service.

We will also share personal data with law enforcement and government bodies where we are legally required to do so. We may also share personal data with emergency services and local authorities to help them to respond to an emergency that affects any of our pupils or adults. Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

## SUBJECT ACCESS REQUESTS AND OTHER RIGHTS OF INDIVIDUALS

### Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the school holds about them. This includes:

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purposes of the data processing
- The categories of personal data concerned
- Who the data has been, or will be, shared with
- How long the data will be stored for, or if this isn't possible, the criteria used to determine this period
- Where relevant, the existence of the right to request rectification, erasure or restriction, or to object to such processing
- The right to lodge a complaint with the ICO or another supervisory authority
- The source of the data, if not the individual
- Whether any automated decision-making is being applied to their data, and what the significance and consequences of this might be for the individual
- The safeguards provided if the data is being transferred internationally.

Subject access requests can be submitted in any form, but we may be able to respond to requests more quickly if they are made in writing and include:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested.

If colleagues receive a subject access request in any form, they must immediately forward it to the DPO.

### Children 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 at our school may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

### Responding to subject access requests

When responding to requests, we:

- May ask the individual to provide two 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 consider 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.

**Other data protection rights of the individual**

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 that 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 colleagues receive such a request, they must immediately forward it to the DPO.

## PARENTAL REQUESTS TO SEE THE EDUCATIONAL RECORD

There is no automatic parental right of access to the educational record of a child in our schools, but we share information with parents and carers on a regular basis. Parents/carers can make a further request to the Executive Head, and this will be discussed on an individual basis.

## PHOTOGRAPHS AND VIDEOS

As part of our school activities, we may take photographs and record images of individuals within our schools. We will obtain written consent from parents/carers for photographs and videos to be taken of their child for communication, marketing and promotional materials. We will clearly explain how the photograph and/or video will be used to both the parent/carer and the pupil. Any photographs and videos taken by parents/carers at school events for their own personal use are not covered by data protection legislation.

However, we will ask that photos or videos with other pupils are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers have agreed to this. All schools add and adapt to reflect your school's uses of photographs and videos for communication, marketing, and promotional materials:

- Where the school takes photographs and videos, uses may include: within school on notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspapers, campaigns
- Online on our school website.

Consent can be refused or withdrawn at any time. When using photographs and videos in this way, we will not accompany them with any other personal information about the child to ensure they cannot be identified.

## DATA PROTECTION BY DESIGN AND DEFAULT

We will put measures in place to show that we have integrated data protection into all our data processing activities, including:

- Appointing a DPO
- Only processing personal data that is necessary for each specific purpose of processing, and always in line with the data protection principles set out in relevant data protection law
- Completing data protection impact assessments where the schools' processing of personal data presents a high risk to rights and freedoms of individuals, and when introducing new technologies (the DPO will advise on this process)
- Integrating data protection into internal documents including this policy, any related policies and privacy notices
- Regularly training colleagues on data protection law, this policy, any related policies and any other data protection matters; we will also keep a record of attendance
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws may apply
- Maintaining records of our processing activities, including:
    - For the benefit of data subjects, making available the name and contact details of our school and DPO, and all information we are required to share about how we use and process their personal data (via our privacy notices)

- For all personal data that we hold, maintaining an internal record of the type of data, type of data subject, how and why we are using the data, any third-party recipients, any transfers outside of the UK and the safeguards for those, retention periods and how we are keeping the data secure

## DATA SECURITY AND STORAGE OF RECORDS

We will protect personal data and keep it safe from unauthorised or unlawful access, alteration, processing, or disclosure, and against accidental or unlawful loss, destruction, or damage. In particular:

- Paper-based records and portable electronic devices, such as laptops and hard drives that contain personal data, are kept under lock and key when not in use
- Papers containing confidential personal data must not be left out in offices and classroom desks or left anywhere else where there is general access
- Where personal information needs to be taken off site, colleagues must sign it in and out from the school office
- Passwords that are at least 10 characters long containing letters and numbers are used to access school computers, laptops and other electronic devices. Adults and pupils are reminded that they should not reuse passwords from other sites
- Encryption software is used to protect all portable devices and removable media, such as laptops and USB devices
- Adults and pupils who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure it is stored securely and adequately protected.

## DISPOSAL OF RECORDS

Personal data that is no longer needed will be disposed of securely. Personal data that has become inaccurate or out of date will also be disposed of securely, where we cannot or do not need to rectify or update it. For example, we will shred or incinerate paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the schools' behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

## PERSONAL DATA BREACHES

The school will make all reasonable endeavours to ensure that there are no personal data breaches. In the unlikely event of a suspected data breach, we will follow the procedure set out in appendix 1. When appropriate, we will report the data breach to the ICO within 72 hours after becoming aware of it. Such breaches in a school context may include, but are not limited to:

- A non-anonymised dataset being published on the school website, which shows the exam results of pupils eligible for the pupil premium
- Safeguarding information being made available to an unauthorised person

- The theft of a school laptop containing non-encrypted personal data about pupils.

**TRAINING**

All colleagues are provided with data protection training. Data protection will also form part of continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

**Appendix 1 – personal data breach procedure**

This procedure is based on guidance on personal data breaches produced by the Information Commissioner's Office (ICO).

- On finding or causing a breach or potential breach, a colleague or data processor must immediately notify the data protection officer (DPO) by email or in person. If the DPO is not available contact the Chair of the Proprietor Body.
- The DPO will investigate the report and determine whether a breach has occurred. To decide, the DPO will consider whether personal data has been accidentally or unlawfully:
    - lost
    - stolen
    - destroyed
    - altered
    - disclosed or made available where it should not have been
    - made available to unauthorised people.
- Colleagues will co-operate with the investigation (including allowing access to information and responding to questions). The investigation will not be treated as a disciplinary investigation
- If a breach has occurred or it is considered to be likely that is the case, the DPO will alert the Chair
- The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant colleagues or data processors should help the DPO with this where necessary, and the DPO should take external advice when required (e.g. from IT providers).
- The DPO will assess the potential consequences (based on how serious they are and how likely they are to happen) before and after the implementation of steps to mitigate the consequences
- The DPO will work out whether the breach must be reported to the ICO and the individuals affected using the ICO's self-assessment tool
- The DPO will document the decisions (either way), in case the decisions are challenged at a later date by the ICO or an individual affected by the breach.
- Where the ICO must be notified, the DPO will do this via the 'report a breach' page of the ICO website, or through its breach report line (0303 123 1113), within 72 hours of the school's awareness of the breach. As required, the DPO will set out:
- A description of the nature of the personal data breach including, where possible:
    - the categories and approximate number of individuals concerned
    - the categories and approximate number of personal data record concerned
    - the name and contact details of the DPO
    - a description of the likely consequences of the personal data breach
    - a description of the measures that have been, or will be taken, to deal with the breach and mitigate any possible adverse effects on the individual(s) concerned.
- If all the above details are not yet known, the DPO will report as much as they can within 72 hours of the school's awareness of the breach. The report will explain that there is a delay, the reasons why, and when the DPO expects to

have further information. The DPO will submit the remaining information as soon as possible

- Where the school is required to communicate with individuals whose personal data has been breached, the DPO will tell them in writing. This notification will set out:
    - a description, in clear and plain language, of the nature of the personal data breach
    - the name and contact details of the DPO
    - a description of the likely consequences of the personal data breach
    - a description of the measures that have been, or will be, taken to deal with the data breach and mitigate any possible adverse effects on the individual(s) concerned.
- The DPO will consider, in light of the investigation and any engagement with affected individuals, whether to notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies
- The DPO will document each breach, irrespective of whether it is reported to the ICO. For each breach, this record will include the:
    - facts and cause
    - effects
    - action taken to contain it and ensure it does not happen again (such as establishing more robust processes or providing further training for individuals).

Records of all breaches will be stored on the school's shared drive. The DPO and Chair will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible.

**Actions to minimise the impact of data breaches**

We set out below the steps we might take to try and mitigate the impact of different types of data breach if they were to occur, focusing especially on breaches involving particularly risky or sensitive information. We will review the effectiveness of these actions and amend them as necessary after any data breach.

Relevant actions we will take for different types of risky or sensitive personal data processed by St Wystan's School are set out below:

- If special category data (sensitive information) is accidentally made available via email/Parent Hub messages to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Colleagues who receive personal data sent in error must alert the sender and the DPO as soon as they become aware of the error
- If the email sender is unavailable or cannot recall the email for any reason, the DPO will ask Bluebox support to attempt to recall it from the external recipients and remove it from the school's email system whilst retaining a copy as evidence.
- In any cases where the recall is unsuccessful or unknown the DPO will consider weather it is appropriate to contact the relevant unauthorised individuals who received the email, explain that the information was sent in error, and request that those individuals delete the information and do not share, publish, save or replicate it in any way
- The DPO will endeavor to obtain a written response from all the individuals who received the data, confirming that they have complied with this request

- The DPO will carry out an internet search to check that the information has not been made public; if it has, we will contact the publisher/website owner or administrator to request that the information is removed from their website and deleted
- Personal colleagues data breaches should be reported by the sender or recipient to the DPO who will assess the severity of the information shared. This may include, but limited to, HR meeting notes/letters, payroll information or medical information.
- If a school laptop containing non-encrypted sensitive personal data was stolen or hacked, our ICT provider would be contacted to locate and shut down the device to avoid any data/information being accessed. All devices are locked, use MFA and have up to date firewall protections
- In the case of hardcopy reports sent to the wrong pupils or families, colleagues should report this breach to the DPO who will assess the severity of the information shared and the correct actions required.