



Achieving together in faith

Holy Cross Catholic MAC

Data Protection Policy 2023 – 2024

Responsible for Policy	Chris Connoll
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Document Control:

Version History

Version	Status	Date	Author	Department	Summary of Changes
1.0	Draft	09/2019	M Alcott	HCCMAC, Central Team	Creation of document from template
1.0	Approved	16/10/2019			Approved by The Board of Directors
2.0	Draft	08/2022	C Connoll	HCCMAC, Central Team	Update to contact details sections 9.1, 5.3 Policy changed to yearly review as per DFE guidance
		12/10/2022		MAC Resources Committee	For Approval
2.0	Approved	19/10/2022		MAC Resources Committee	Approved
2.1	Draft	10/2023	C Connoll	HCCMAC, Central Team	Policy reviewed. No updates
		18/10/2022		MAC Resources Committee	For Approval
2.1	Approved	18/10/2023		MAC Resources Committee	Approved

1. Aims

Holy Cross Catholic MAC aims to ensure that all personal data collected about staff, pupils, parents, directors, Local Governing Body members, visitors and other individuals is collected, stored and processed in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA 2018).

This policy applies to all personal data, regardless of whether it is in paper or electronic format.

2. Legislation and guidance

This policy meets the requirements of the GDPR and the provisions of the DPA 2018. It is based on guidance published by the Information Commissioner's Office (ICO) on the GDPR and the ICO's code of practice for subject access requests.

It meets the requirements of the Protection of Freedoms Act 2012 when referring to our use of biometric data.

It also reflects the ICO's code of practice for the use of surveillance cameras and personal information. In addition, this policy complies with our funding agreement and articles of association.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, individual. This may include the individual's: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• Racial or ethnic origin• Political opinions• Religious or philosophical beliefs• Trade union membership• Genetics• Health – physical or mental• Sex life or sexual orientation• Biometrics (such as fingerprints, retina and iris patterns), where used for identification purposes
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 of 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.

4. The data controller

Holy Cross Catholic MAC processes personal data relating to parents, pupils, staff, governors, volunteers, visitors and others, and therefore is a data controller.

Holy Cross Catholic MAC is registered as a data controller with the ICO and will renew this registration annually or as otherwise legally required.

5. Roles and responsibilities

This policy applies to all staff employed by Holy Cross Catholic MAC, and to external organisations, volunteers and other individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 MAC Board of Directors

The MAC Board of Directors has overall responsibility for ensuring that Holy Cross Catholic MAC complies with all relevant data protection obligations.

5.2 Data Protection Officer

The data protection officer (DPO) is responsible for providing advice and guidance to Holy Cross Catholic MAC in order to assist Holy Cross Catholic MAC to implement this policy, monitor compliance with data protection law, and develop related policies and guidelines where applicable.

The DPO will carry out an annual audit of Holy Cross Catholic MAC data processing activities and report to the MAC Board of Directors 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. The DPO for HCCMAC is the School DPO Service provided by Warwickshire Education Service and is contactable via schooldpo@warwickshire.gov.uk or alternatively;

School Data Protection Officer

Warwickshire Legal Services
Warwickshire County Council
Shire Hall
Market Square
Warwick CV34 4RL

5.3 Holy Cross Catholic MAC - Data Controller

The Data Controller for HCCMAC is Mr Chris Connoll, MAC ICT, Communication & Compliance Manager. The Data Controller is registered with the ICO and all data breaches should be reported to him.

Contact:

Mr Chris Connoll
MAC ICT, Communication & Compliance Manager
Email: DPO@hcmac.co.uk
Tel: 02475 186 555

Or

DPO - Data Controller
Holy Cross Catholic MAC,
Heathcote Street,
Radford,
CV6 3BL

5.4 Headteacher

The Headteacher of each MAC school acts as the representative of the data controller on a day-to-day basis and is the designated person to be contacted internally in relation to all matters relating to data protection issues, and to make referrals, where necessary, to the Data Controller and the Data Protection Officer.

5.5 All Staff

All members of staff are responsible for:

- Informing the school of any changes to their personal data, such as a change of address
- Collecting, storing and processing any personal data in accordance with this policy
- Contacting the designated Headteacher, School Data Protection Officer or HCCMAC Data Controller, 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

6 Data Protection Principles

The GDPR is based on data protection principles that our MAC must comply with. Holy Cross Catholic MAC has adopted the principles to underpin its Data Protection Policy. The principles require that all personal data shall be:

- processed lawfully, fairly and in a transparent manner ('lawfulness, fairness and transparency')
- used for specified, explicit and legitimate purposes ('purpose limitation')
- used in a way that is adequate, relevant and limited to what is necessary ('data minimisation')
- accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, are erased or rectified without delay ('accuracy')
- kept no longer than is necessary ('storage limitation')
- processed in a manner that ensures it is safe and secure, ensuring that measures against unauthorised or unlawful processing and against accidental loss, destruction or damage are in place ('integrity and confidentiality').

This policy sets out how Holy Cross Catholic MAC aims to comply with these principles.

7 Collecting Personal Data

7.1 Lawfulness, fairness and transparency

Holy Cross Catholic MAC shall only process personal data where it has one of 5 'lawful bases' (legal reasons) available to Holy Cross Catholic MAC 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 e.g. to protect someone's life
- The data needs to be processed so that the school, as a public authority, can perform a task in the public interest, and carry out its official functions
- 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 which are set out in the GDPR and Data Protection Act 2018.

If we offer online services to pupils, such as classroom apps, and we intend to rely on consent as a basis for processing, we will get parental consent where the pupil is under 13 (except for online counselling and preventive services).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

7.2 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.

Staff must only process personal data where it is necessary in order to do their jobs.

When staff no longer need the personal data they hold, they must ensure it is deleted or anonymised. This will be done in accordance with guidance set out in the Information and Records Management Society's toolkit for schools.

8 Sharing personal data

We will not normally share personal data with anyone else except as set out in Holy Cross Catholic MAC's Privacy Notices. GDPR and the DPA 2018 also allow information to be shared where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff 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 our staff and pupils – for example, IT companies.
- When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
 - Establish a data sharing agreement with the supplier or contractor, either in the contract or as a standalone agreement, 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, and information necessary to keep them safe while working with us

We will also share personal data with law enforcement and government bodies where we are legally required to do so, including for:

- The prevention or detection of crime and/or fraud
- The apprehension or prosecution of offenders
- The assessment or collection of tax owed to HMRC
- In connection with legal proceedings
- Where the disclosure is required to satisfy our safeguarding obligations
- Research and statistical purposes, as long as personal data is sufficiently anonymised or consent has been provided

We may also share personal data with emergency services and local authorities to help them to respond to an emergency situation that affects any of our pupils or staff.

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

9 Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' (SAR) 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
- 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

Subject access requests may be submitting in writing or verbally and can be sent either to the Data Controller, a member of staff or a Governor / MAC Director. To enable the request to be accurately responded to, the applicant should be encouraged to make the request in writing and to set out:

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

The recipient of the SAR should immediately forward it to the MAC Data Controller. Contact details below:

Mr Chris Connoll
MAC ICT, Communication & Compliance Manager
Email: DPO@hcmac.co.uk
Tel: 02475 186 555

Or

Mr Chris Connoll
Holy Cross Catholic MAC,
Heathcote Street,
Radford,
CV6 3BL

who will ensure that the School DPO Service is informed. Information to be released will be collated by the School and then sent to the School DPO Service for checking and sending out to the applicant.