OPEN BOX
Education Centre
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Data protection policy

This policy has been produced by using the Forbes approved model policy from the Key for School Leaders, and checked against updates on the Key.

GENERAL STATEMENT

Open Box Education Centre Limited (OBEC) is fully committed to meeting its obligations under the Data Protection Act of 1998 and subsequent update to the GDPR criteria. OBEC will strive to observe the law in all collection and processing activities concerning personal data and will meet any individual requests in compliance with the law.

OBEC accepts responsibility for Data Protection and has notified the Information Commissioner's Office of its processing activities, by registering with them. Further information on Data Protection can be found on the ICO website :-

https://ico.org.uk/

The School's ICO Registration number is ZB065043, and our registered address is Open Box Education Centre Limited, St. John's Road, Epping, Essex, CM16 5DN

1. Aims

Our school aims to ensure that all personal data collected about staff, students, parents, governors, 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.

2. 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.

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It also reflects the ICO's **guidance** for the use of surveillance cameras and personal information.

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.

3. Definitions

TERM	DEFINITION
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.

TERM	DEFINITION
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

Our school processes personal data relating to parents, students, staff, governors, visitors and others, and therefore is a data controller. The school is registered with the ICO as a data controller; Registration ref. ZB065043, as legally required.

5. Roles and responsibilities

This policy applies to **all staff** employed by our school, and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Governing board

The Proprietor and Governing board have overall responsibility for ensuring that our school complies with all relevant data protection obligations.

5.2 Data protection officer

The data protection officer (DPO) is responsible for overseeing the implementation of this policy, 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 governing 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.

Full details of the DPO's responsibilities are set out in their job description.

Our DPO is Marie Black and is contactable via email to mblack@openboxeducation.org.uk

5.3 Principal

The Principal acts as the representative of the data controller on a day-to-day basis.

5.4 All staff

Staff 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 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 or deal with data protection rights invoked by an individual
- 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 UK GDPR is based on data protection principles that our school 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

This policy sets out how the school aims to comply with these principles.

7. Collecting personal data

7.1 Lawfulness, fairness and transparency

We will only process personal data where we have one 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 school, 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 school (where the processing is not for any tasks the school performs 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 student) 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 student) 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 student) 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 first 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.

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.

We will keep data accurate and, where necessary, up-to-date. Inaccurate data will be rectified or erased when appropriate.

In addition, 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 the school's record retention schedule.

8. 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 student 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 students – for example, IT companies. When doing this, we will:

- Only appoint suppliers or contractors which 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 situation that affects any of our students or staff.

9. Subject access requests and other rights of individuals

9.1 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

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

9.2 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 aged 12 and above are generally 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 students at our school may not be granted without the express permission of the student. This is not a rule and a student's ability to understand their rights will always be judged on a case-by-case basis.

9.3 Responding to subject access requests

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 student 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.

9.4 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 (see section 7), 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.

10. Parental requests to see the educational record

Although there is no automatic parental right of access to the educational record in an Independent School, Open Box Education Centre will consider all such requests, providing the student has granted access to the parent. Such requests must be in writing and addressed to the Principal.

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

11. CCTV

We use CCTV in various locations around the school site to ensure it remains safe. We will adhere to the ICO's guidance for the use of CCTV. CCTV recordings are kept on an internal hard drive for a period of 6 weeks only.

We do not need to ask individuals' permission to use CCTV, but we make it clear where individuals are being recorded. Security cameras are clearly visible and accompanied by prominent signs at all external entry points, explaining that CCTV is in use.

Any enquiries about the CCTV system should be directed to the Principal.

12. Photographs and videos

As part of our school activities, we may take photographs and record images of individuals within our school, using Office Lens.

We will obtain written consent from parents/carers and students , for photographs and videos to be taken of students for communication, marketing and promotional materials.

Where we need parental consent, we will clearly explain how the photograph and/or video will be used to both the parent/carer and student. Where we don't need parental consent, we will clearly explain to the student how the photograph and/or video will be used.

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 students are not shared publicly on social media for safeguarding reasons, unless all the relevant parents/carers (or students where appropriate) have agreed to this.

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 or social media pages

Consent can be refused or withdrawn at any time. If consent is withdrawn, we will delete the photograph or video and not distribute it further.

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.

Photographs and video will be uploaded to Microsoft Office Lens and not stored on personal phones/devices. All staff will be reminded of the safeguarding implications of storing photos/videos on personal phones and will sign the Staff Code of Conduct agreement.

14. Artificial intelligence (AI)

Artificial intelligence (AI) tools are now widespread and easy to access. Staff, pupils and parents/carers may be familiar with generative chatbots such as ChatGPT and Google Bard. Open Box Education Centre, recognises that AI has many uses to help pupils learn, but also poses risks to sensitive and personal data.

To ensure that personal and sensitive data remains secure, no one will be permitted to enter such data into unauthorised generative AI tools or chatbots.

If personal and/or sensitive data is entered into an unauthorised generative AI tool, Open Box Education Centre will treat this as a data breach, and will follow the personal data breach procedure outlined in appendix 1.

15. Data protection by design and default

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

- Appointing a suitably qualified DPO, and ensuring they have the necessary resources to fulfil their duties and maintain their expert knowledge

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 (see section 6)

Completing data protection impact assessments where the school's 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 members of staff 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

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

16. 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. Access to OBEC One Drive accounts will be given to Governors and Members, for off-site working.

Papers containing confidential personal data must not be left on office and classroom desks, on staffroom tables, or left anywhere else where there is general access

Where personal information needs to be taken off site, staff must sign it in and out from the school office

Passwords that are at least 10 characters long containing upper case and lower case letters, numbers and special characters are used to access school computers, laptops and other electronic devices. Members, governors, staff and students are reminded that they should not reuse passwords from other sites.

Members, governors, staff and students will not store personal information on their personal devices. (Please see our Online safety policy).

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 (see section 8). Protected sites will be used to transfer personal file information and personal student information, such as the DfE Common Transfer File S2S; Egress; and the ECC secure email site.

17. Disposal of records

Personal data that is no longer needed will be disposed of securely and a record kept of when and how the information was disposed of. 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 paper-based records, and overwrite or delete electronic files.

Records will be kept in accordance with the official Information Records Management Society Toolkit. OBEC is a member of the IRMS to remain up to date in all areas relating to compliance for records management.

18. 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. Examples of breaches in a school context may include, but are not limited to:

Safeguarding information being made available to an unauthorised person

The theft or loss of a school laptop containing non-encrypted personal data about students

Paperwork, containing student names and personal information going into the recycling waste and not being shredded beforehand, resulting in the identity of a student made available to an unauthorised person

Data being sent to the wrong email address or wrong person in error

Computer/email hacking

19. Training

All staff and the Member/Governing board are provided with data protection training, as part of their induction and have regular GDPR refresher training updates.

Data protection will also form part of annual continuing professional development, where changes to legislation, guidance or the school's processes make it necessary.

20. Monitoring arrangements

The DPO is responsible for monitoring and reviewing this policy.

This policy will be reviewed annually and approved by the full governing board.

21. Links with other policies, procedures and documents

This data protection policy is linked to our:

Online safety policy/ICT Acceptable Use policy

Data Breach Notification form

Privacy notices

Approved by: ..... (Principal) ..... (date)

Authorised by: ..... (Chair of Governors) ..... (date)

To be reviewed every: 1 Year

Next review date: May 2025

Date of Review	Reviewed by	Approved by Governors	Date of next review
17-09-22 Version 2.0	Marie Black	11-10-2022	September 2023
25-04-23 Version 2.1	Marie Black	11-07-2023	April 2024
7-5-24 Version 2.2	Marie Black	25-06-2024	May 2025
5-5-25 Version 2.3	Marie Black		May 2026

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, the staff member, governor or member must immediately notify the data protection officer (DPO) by completing a Data Breach Form, (OBEC Data Breach Notification Form, located on Sharepoint, Policies Section, General Policies). The form must be immediately emailed to mblack@openboxeducation.org.uk

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

Staff and governors will cooperate 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 Principal and the Chair of Governors

The DPO will make all reasonable efforts to contain and minimise the impact of the breach. Relevant staff members or data processors should help the DPO with this where necessary, including support from the IT Support Manager.

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. Documented decisions are stored on the Finance Sharepoint, where both the Principal and DPO (SBM) have shared access.

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 records 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 Finance Sharepoint, where both the Principal and DPO (SBM) have shared access.

The DPO and Principal will meet to review what happened and how it can be stopped from happening again. This meeting will happen as soon as reasonably possible

The DPO and Principal will discuss data protection issues during one of their weekly meetings every month, to assess recorded data breaches and identify any trends or patterns requiring action by the school to reduce risks of future breaches

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.

Sensitive information being disclosed via email (including safeguarding records)

- If special category data (sensitive information) is accidentally made available via email to unauthorised individuals, the sender must attempt to recall the email as soon as they become aware of the error
- Members of staff 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 sender is unavailable or cannot recall the email for any reason, the DPO will ask the IT Support Manager to attempt to recall it from external recipients and remove it from the school's email system (retaining a copy if required as evidence)
- In any cases where the recall is unsuccessful or cannot be confired as successful, the DPO will consider whether 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
- If safeguarding information is compromised, the DPO will discuss with the Principal whether the school should inform any of its safeguarding partners

Other types of breach that we will consider include:

- Non-anonymised student exam results or staff pay information being shared inappropriately
- A school laptop containing non-encrypted sensitive personal data being stolen or hacked
- Hardcopy reports sent to the wrong students or families