

KING EDWARD VII SCHOOL POLICY



Data Protection

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Approved: GB

Leadership Team Responsibility: DE

Contents:

[Statement of intent](#)

1. [Legal framework](#)
2. [Data controller](#)
3. [Fair processing](#)
4. [Data security](#)
5. [Subject consent](#)
6. [Rights to access information](#)
7. [Publication of information](#)
8. [CCTV and photography](#)
9. [Data retention](#)
10. [DBS data](#)
11. [Challenges and compensation](#)
12. [Data Protection Officer](#)
13. [Policy review](#)

Statement of intent

King Edward VII School is required to keep and process certain information about its staff members and students in accordance with its legal obligations under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

The School may, from time to time, be required to share personal information about its staff or students with other organisations, mainly the LA, other Schools and educational bodies, and potentially social services. Privacy Notices covering the sharing of data with other organisations are in place.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how the School complies with the following core principles of the legislation:

- Lawfulness, fairness and transparency □ Purpose limitation □ Data minimisation.
- Accuracy
- Storage limitation.
- Integrity and confidentiality.
- Accountability

Organisational methods for keeping data secure are imperative, and King Edward VII School believes that it is good practice to keep clear practical policies, backed up by written procedures.

1. Legal framework

- 1.1. This policy has due regard to legislation, including, but not limited to the following:
 - The Data Protection Act 2018
 - The Freedom of Information Act 2000
 - The General Data Protection Regulation (GDPR)
 - The Education (Student Information) (England) Regulations 2005
 - The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
 - The School Standards and Framework Act 1998
- 1.2. This policy will be implemented in conjunction with the School's:
 - E-security Policy.
 - Records Management Policy
 - Freedom of Information Policy
 - CCTV Policy

2. Data controller

- 2.1. King Edward VII School, as the corporate body, is the data controller.
- 2.2. The governing body of King Edward VII School therefore has overall responsibility for ensuring that records are maintained, including security and access arrangements in accordance with regulations.
- 2.3. The School data protection officer deals with matters relating to data protection.
- 2.4. The business manager and data manager are responsible for processing personal information on the School's behalf. Day to day matters relating to data protection will be dealt with by the Data Protection Working Group comprising;
 - Business manager
 - Data manager
 - IT manager
 - A member of the teaching staff
- 2.5. Personal information may be processed by outside organisations involved in data processing. By involving another organisation in data processing, the School increases certain risks. The security of the personal information is covered in a formal contract between the School and any outside organisation.

3. Fair processing

- 3.1. The School recognises that its staff and students need to know what the School does with the information it holds about them.
- 3.2. Parents/carers will receive a copy of the Student Privacy Notice upon registration of their child at the School, and this Data Protection Policy is available via the School website.
- 3.3. The School issues a privacy notice (for either staff or students) detailing the purposes for which personal data collected by the School will be used.

- 3.4. If personal details are being recorded for a specific purpose, a specific consent is obtained.
- 3.5. The student privacy notice is also published on the School's website.
- 3.6. Personal information is only made available to staff and governors who need that particular information to do their jobs, and is only made available at the time that it is needed.
- 3.7. All members of staff, including members of the governing body, receive training in their responsibilities under the legislation, and guidance on confidentiality of personal information, as part of their induction.
- 3.8. The training is reinforced at regular intervals throughout their employment or term as governor.
- 3.9. Members of staff and parents/carers are responsible for checking that any information that they provide to the School, in connection with their employment or in regard to a registered student, is accurate and up-to-date.
- 3.10. The School cannot be held accountable for any inaccuracies unless the employee or parent has informed the School about such changes.

4. Data security

- 4.1. Confidential paper records are kept in a locked room, cabinet, drawer or safe, with restricted access.
- 4.2. Confidential paper records are not left unattended or in clear view anywhere with general access.
- 4.3. Digital data is password-protected and regularly backed up and stored securely off-site.
- 4.4. Where circumstances require, data can be saved on removable storage or a portable device, which will be encrypted and kept securely when not in use.
- 4.5. Portable devices are not used to hold personal information unless they are password-protected and fully encrypted.
- 4.6. The School enables electronic devices to allow the remote blocking or deletion of data in case of theft.
- 4.7. Staff and governors should not store School related personal data on their own electronic devices. Staff and governors should ensure that any personal data downloaded on their own devices is periodically reviewed and deleted when it is no longer required. (See section 9 of this policy)
- 4.8. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.
- 4.9. The email system is secure for transmitting information between School users. Message attachments containing personal and/or confidential data should be password protected. Circular emails to parents/carers are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients.

- 4.10. Where personal information is taken off the premises, either in electronic or paper format, staff take extra care to follow the same procedures for security, e.g. keeping devices secure. The person taking the information from the School premises accepts full responsibility for the security of the data.
- 4.11. Before sharing data, all staff always ensure:
- They are allowed to share it.
 - That adequate security is in place to protect it.
 - Who will receive the data has been outlined in a privacy notice.
- 4.12. Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the School containing sensitive information are supervised at all times.
- 4.13. The physical security of the School's buildings and storage systems, and access to them, is reviewed regularly. If an increased risk in vandalism/burglary/theft is identified, extra measures to secure data storage will be put in place.
- 4.14. King Edward VII School takes its duties under the Data Protection legislation seriously and any unauthorised disclosure may result in disciplinary action.
- 4.15. The data protection officer is responsible for ensuring that continuity and recovery measures are in place to preserve the security of protected data.
- 4.16. Prior to the purchase of any new software or services a full Data Protection Impact Assessment (DPIA) will be undertaken to ensure that any required data sharing is covered under the School's Privacy Notices.

5. Subject consent

- 5.1. King Edward VII School understands that subjects have certain legal rights to their personal data, which will be respected.
- 5.2. The School does not process personal data without the consent of the subject, although the processing of data will sometimes be necessary for:
- The performance of a contract to which the subject is party to, or the steps taken with a view to entering a contract.
 - Compliance with a legal obligation to which the School is subject.
 - The administration of justice, legal functions of persons or departments, or functions of a public nature exercised in the public interest.
 - The purposes of legitimate interests of the School, unless the decision prejudices the rights, freedoms or legitimate interests of the subject.
- 5.3. Members of staff will be working in close contact with children. Disclosure and Barring Service (DBS) checks will therefore be made a condition of employment in order to ensure that potential employees do not pose a threat or danger.
- 5.4. Sensitive data, referred to as Special Category data, including: information relating to a subject's racial or ethnic origin; political opinions; religious beliefs; trade union membership; genetics; biometrics (where used for ID purposes) health; sex life; sexual orientation; or the commission of any offence, can only be processed with the explicit consent of the subject.

- 5.5. Special Category data can only be processed if there is a lawful basis for processing and it meets additional criteria set out in Article 9 (2) of the GDPR .

6. Rights to access information

- 6.1. All members of staff, parents/carers of registered students and other users are entitled to:
- Know what information the School holds and processes about them or their child, and why.
 - Understand how to gain access to it.
 - Understand how to keep it up-to-date.
 - Understand what the School is doing to comply with its obligations under Data Protection legislation.
- 6.2. All members of staff, parents/carers of registered students and other users have the right, under the Data Protection legislation, to access certain personal data being held about them or their child.
- 6.3. Personal information can be shared with students once they are old enough, although this information can still be shared with parents/carers.
- 6.4. Students who are old enough to make decisions for themselves, are entitled to have their personal information handled in accordance with their rights.
- 6.5. King Edward VII School complies with requests for access to personal information as quickly as possible, but will ensure that it meets its duty under the Data Protection legislation to provide it within one calendar month of receipt of the request unless the request is complex in which case we will notify the individual of the extension and why we require this.
- 6.6. King Edward VII School complies with its obligations under the Data Protection legislation to provide subjects access to personal information.
- 6.7. Subject Access Requests should ideally be submitted using the form at Appendix 1. Verbal requests should be directed to the Headteachers PA or the School Data Protection Officer.
- 6.8. All subject access requests are kept in a log that requires formal consideration.
- 6.9. The School will not charge a fee except in cases where the request is manifestly unfounded or excessive or an individual requests further copies of data that has already been provided.
- 6.10. King Edward VII School can refuse to supply access to information where the request is manifestly unfounded or excessive as long as the decision not to comply is justified.

7. Publication of information

- 7.1. King Edward VII School has a publication scheme on its website outlining classes of information that will be made routinely available. Please refer to the Freedom of Information (FOI) Publication Scheme for more details.
- 7.2. Classes of information specified in the publication scheme are made available quickly and easily on request.

- 7.3. King Edward VII School does not publish any personal information, including photos, on its website without the permission of the affected individual.
- 7.4. When uploading information to the School website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

8. CCTV and photography

- 8.1. King Edward VII School understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles and consent is obtained where appropriate.
- 8.2. Please refer to the CCTV Policy and Guidelines document for further information.

9. Data retention

- 9.1. The Data Protection legislation states that data should not be kept for longer than is necessary.
- 9.2. In the case of King Edward VII School unrequired data is deleted/destroyed as soon as practicable.
- 9.3. Some educational records relating to former students or employees of the School may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts.
- 9.4. Paper documents are shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.
- 9.5. The School has a Records Management Policy which follows guidance in the Records Management Toolkit for Schools published by the Information and Records Management Society (<https://irms.org.uk>)

10. DBS data

- 10.1. All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication.
- 10.2. Data provided by the DBS is never duplicated.
- 10.3. Any third parties who access DBS information are made aware of the data protection legislation, as well as their responsibilities as a data handler.

11. Challenges

- 11.1. King Edward VII School understands that members of staff and the parents/carers of registered students have the right to challenge the processing of personal data.
- 11.2. Individuals with concerns related to the processing of personal data should provide the data protection officer with written notice.

- 11.3. If the data protection officer receives a written notice asking them to cease or not to begin processing specified data, they will reply detailing:
- Their compliance or their intent to comply.
 - Their reasons for considering the subject's written notice unjustified and the extent to which they have complied, or intend to comply, with the request.
- 11.4. Individuals have the right to:
- data portability – individuals have the right to get personal (electronic) data that you have provided to School in a way that is accessible and reasonable (e.g. csv file) as long as it is technically feasible to provide
- have data deleted (forgotten) – in certain circumstances individuals can request that School erases data you have provided, have inaccurate data corrected – individuals can challenge personal data held by School and ask for it to be corrected/deleted.
- 11.5. Individuals can refer cases to the Information Commissioner's Office should they be dissatisfied with the response of the data protection officer.

12. Data Protection Officer (DPO)

- 12.1. The governing body will appoint a data protection officer of adequate independence and seniority and provide appropriate access as required. The DPO will provide the governing body with regular reports.
- 12.2. The DPO will oversee the work of the Data Protection Working Group and be responsible for implementing a system of monitoring compliance and where appropriate reporting any data breach to the Information Commissioner.

13. Policy review

- 13.1. This policy is reviewed every two years by the governing body.
- 13.2. The scheduled review date for this policy is September 2027.

DATA PROTECTION POLICY – APPENDIX 1

This form is for any person who wishes to apply for access to personal data held by King Edward VII School. Please read the Subject Access Request Guidance Notes below before completing this form.

A separate form should be completed for each individual.

NOTE: This is not a mandatory form – Subject Access requests made in other formats will also be accepted.

Subject Access Request Guidance

Please read before filling in the Subject Access Request Form

Which sections should I complete?

Sections 1, 2, 3, 4 and 5 should be completed for all applications.

Section 3 (Proof of the applicant's identity) - If you do not have any of the forms of identity listed, we may in exceptional circumstances accept alternatives for consideration. If you cannot provide us with satisfactory proof of identity, your application may be rejected.

This form is designed to assist the process of making a subject access request and, as a consequence, may speed the process up but it is not mandatory, all subject access requests made in other formats will also be processed.

What information does King Edward VII School hold?

King Edward VII School holds information relevant to the conduct of its functions which will include, but not be restricted to, personal information about staff, students and their parents/carers.

King Edward VII School is also the 'data controller' for certain information held by other bodies which are contracted by King Edward VII School in connection with the conduct of specific education activities.

How long will it take to get my data?

Once we are satisfied that you meet the criteria for disclosure of data under Data Protection legislation, and have provided sufficient information, you should receive a response within one calendar month from the day after we receive your application for processing.

Records may be held in several different locations in paper and electronic formats. If you only require specific information and you clearly state what that is – for example a specific document or IT-only data – then you are likely to get a quicker disclosure.

The form includes a section for giving details if you need a disclosure by a certain date. No guarantee can be given that a disclosure will be completed by that date but we will endeavour to comply with reasonable requests for expedited action.

General Notes

1. We will acknowledge receipt of your initial request for information.
2. Normally there is no fee for a Subject Access Request.
3. When we process information requests for children aged 13 or over we require their signature of authority before disclosing data. A separate application form should be completed for each individual. Sections, 4 and 5 should be completed by a parent/guardian for a child under 13.
4. The documents that you receive may have data redacted (blacked-out) or contain rough notes that may lack clarity. This is because we aim to supply copies of the original records whenever possible.

5. We will not disclose information by fax or telephone. Disclosure by post is usually made by first class post to the address you provide in section 2.

Checklist

- Have you completed all relevant sections of the form?
- If you are a representative, has your client signed the authority in Section 8 or provided a separate signed note of authority?
- If you are submitting the form yourself, have you signed the form at Section 5?
- If you are signing as a parent or guardian of a child under 13, have you provided a photocopy of their full birth certificate, photocopies of any court orders and proof of your parental responsibility?
- Have you enclosed two pieces of identification from the lists in Section 3 (one from each of A and B)?
- Have you signed the declaration in Section 5?
- Have you provided as much information as possible to enable us to find the data you require?

Please send your completed form and proof of identity to:

Subject Access Request

King Edward VII School, Glossop Road, Sheffield, S10 2PW

Tel: 0114 2662518

Email: office@kes.sheffield.sch.uk

Section 1 – Applicant Details

Title (please tick one):	Mr ☐ Mrs ☐ Miss ☐ Ms ☐	Title (please state):
Forename(s):		
Family Name:		
Previous Family Name:		
Other name(s) known by:		
Date of Birth (dd/mm/yyyy):	/...../.....	
Nationality:		
Place of Birth:		
Name of Child (if under 13)		
Child's Date of Birth (dd/mm/yyyy):	/...../.....	Male ☐ or Female ☐

Section 2 – Applicant Details (cont)

Current Address:	
Postcode	
Daytime Telephone No:	
Email Address:	
Previous Address:	
Postcode:	

Section 3 – Proof of the applicant's identity

In order to prove the applicant's identity, we need to see copies of two pieces of identification, one from list A and one from list B below. Please indicate which ones you are supplying.

Please DO NOT send an original passport, driving licence or identity card

Passport/Travel Document		A letter sent to you by the school	
Photo driving licence		Utility bill showing current home address	
Foreign National Identity Card		Bank statement or Building Society Book	
Child under 16 : Full birth certificate			
Child under 16 : Court Order(s)			

For a child under 13 years of age please provide photocopies of all Court Orders. Please state if there are none

* Any original documents you send to us will be returned by first class post.

Section 4 – Details of Information Required

Please use this space to give us any details about the information you are requesting, for example by stating specific documents you require (use extra sheets if necessary):

Example 2: Stating specific documents you require (see chart sheets if needed).

Section 5 – Declaration

The information which I have supplied in this application is correct, and I am the person to whom it relates or a representative acting on his/her behalf. I understand that King Edward VII School May need to obtain further information from me/my representative in order to comply with this request.

Signature of Applicant (Parent/Carer if Child Under 13):	Date:
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Section 6 – Timescale

If you have specific reasons for requiring data by a specific date please give details below:

(a) Date required:
(b) Reason (please state and supply supporting evidence):