



# St John's C of E Primary School

## Data Protection Policy

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# St John's C of E Primary School

## Data Protection Policy

### Our Vision

Learn Together • Achieve Together • Celebrate Together  
"And let your light shine." Matthew 5:16

### Our Mission Statement

To enable all children to achieve their true potential in a caring and inclusive community based on Christian values.

### Our Values

Respect • Responsibility • Kindness • Truthfulness • Perseverance

## Part 1 Introduction and Key Definitions

### 1.1 Introduction

St John's C of E Primary School needs to gather and use certain information about individuals.

These individuals can include pupils, parents/carers, employees, suppliers, business contacts and other people the school has a relationship with or may need to contact.

This policy describes how this personal data must be collected, handled and stored to meet the school's data protection standards — and to comply with the law.

This data protection policy ensures St John's C of E Primary School:

- complies with data protection law and follows good practice
- protects the rights of pupils, staff, parents/carers and other stakeholders
- is open about how it stores and processes individuals' data
- protects itself from the risks of a data breach

This Data Protection policy is based on the six principles of the Data Protection Act (DPA) 2018 that personal data shall be:

1. processed lawfully, fairly and in a transparent manner
2. collected for specified, explicit and legitimate purposes
3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
4. accurate and kept up to date
5. kept in a form which permits identification of data subjects for no longer than is necessary
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss or damage

### 1.2 Key Definitions

#### Data

The DPA describes how organisations, including St John's C of E Primary School, must collect, handle and store personal information ('data').

Data is any information that the school collects and stores about individuals or organisations. Some data is more sensitive than others and particular care will be given to processing and managing this. Sensitive data includes:

- racial or ethnic origin.

- political opinions.
- religious or philosophical beliefs.
- trade union membership.
- data concerning health or sex life and sexual orientation.
- genetic data; and
- biometric data.

Data can be stored electronically, on paper or on other materials.

To comply with the law, personal information must be collected and used fairly, stored safely and not disclosed unlawfully.

## **Data Subject**

A 'Data Subject' is someone whose details the school keeps on file. The data subject has the following rights under data protection legislation:

- to be informed
- to have access to data stored about them (or their children)
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for the school to keep their data
- to restrict processing (e.g. limit what their data is used for)
- to object to data being shared or collected

Although data protection legislation affords these rights to individuals, in some cases the obligations schools have to share data with the DfE etc override these rights. This is documented later in the policy under 'Privacy Notices'.

## **Data Controller**

The 'Data Controller' has overall responsibility for the personal data collected and processed and has a responsibility for ensuring compliance with the relevant legislation. They can delegate this to 'Data Processors' to act on their behalf.

The Headteacher is the 'Data Controller'.

## **Data Processor**

A 'Data Processor' uses, collects, accesses or amends the data that the controller is authorised to collect or has already collected. It can be a member of staff, third party company or another organisation such as the police or Local Authority (LA).

## **Part 2 Organisational Arrangements**

### **2.1 Overall Responsibility**

St John's C of E Primary School will meet its obligations under the DPA by putting in place clear policies that focus on the key risks and in checking that control measures have been implemented and remain appropriate and effective.

### **2.2 Roles & Responsibilities**

**The Governing Body will:**

- Establish and maintain a positive data protection culture.

- Ensure the Headteacher prepares a Data Protection policy for approval and adoption by the Governing Body and to review and monitor the effectiveness of the policy.
- Appoint a Data Protection Officer and provide adequate resources and support for them to fulfil their statutory duties.
- Allocate sufficient resources for data protection, e.g. in respect of training for staff, encryption technology for devices.
- Monitor and review data protection issues.
- Ensure that the school provides adequate training, information, instruction, induction and supervision to enable everyone to comply with their data protection responsibilities.
- Review and act upon data protection compliance reports from the Data Protection Officer.
- Attend data protection training as organised by the school.

**The Headteacher will:**

- Promote a positive data protection culture.
- Prepare a Data Protection policy for approval by the Governing Body, revise as necessary and review on a regular basis, at least every two years.
- Ensure that all staff co-operate with the policy.
- Ensure that staff are competent to undertake the tasks required of them and have been provided with appropriate training.
- Provide staff with equipment and resources to enable them to protect the data that they are processing.
- Ensure that those who have delegated responsibilities are competent, their responsibilities are clearly defined, and they have received appropriate training.
- Monitor the work of the Data Protection Officer to ensure they are fulfilling their responsibilities.

**The Data Protection Officer will:**

- Inform and advise the school of their obligations under data protection legislation.
- Monitor compliance with the legislation and report to the Headteacher on a termly basis.
- Cooperate with the supervisory authority (e.g. Information Commissioners Office) and act as the main contact point for any issues.
- Seek advice from other organisations or professionals, such as the Information Commissioners Office as and when necessary.
- Keep up to date with new developments in data protection issues for schools.
- Advise and guide the school on subject access requests and data breaches.

**Staff at the school will:**

- Familiarise themselves and comply with the Data Protection Policy.
- Comply with the school data protection arrangements.
- Follow the data breach reporting process.
- Attend data protection training as organised by the school.

The school has a Data Breach policy which sets out the process that should be followed in the event of a data breach occurring.

## **Part 3 Detailed Arrangements & Procedures**

### **3.1 Data Management**

#### **Data Registration**

As Data Controller, the school must register as a Data Controller on the Data Protection Register held by the Information Commissioner. The school renews its registration annually in July.

#### **Data Protection Officer**

As a public body, St John's C of E Primary School is required to appoint a Data Protection Officer (DPO).

At St John's C of E Primary School, the DPO role is fulfilled by:

- SBM Ltd ([www.sbmservices.co.uk](http://www.sbmservices.co.uk))

The role of the DPO is to:

- Inform and advise the school and the employees about obligations to comply with all relevant data protection laws.
- Monitor compliance with the relevant data protection laws.
- Be the first point of contact for supervisory authorities.

#### **Data Protection Awareness**

To ensure organisational compliance, all staff and other key stakeholders (e.g. governors, volunteers) will be made aware of their responsibilities under the data protection legislation as part of their induction programme, (both as a new employee/governor to the organisation or if an individual changes role within the school).

Staff and governors will also be required to complete annual cyber security training to ensure that they are aware of cyber risks and understand the import role that they play in reducing the risk of a successful cyber-attack.

Annual data protection refresher training will take place to reinforce the importance of staff adhering to the legislation.

A record of the professional development undertaken by the individual will be retained on their training record.

#### **Data Mapping**

St John's C of E Primary School has documented all the data that it collects within a 'Data Flow Map'. This data inventory records:

- the data held
- what the data is used for
- how it is collected
- how consent is obtained
- how the data is stored
- what the retention period is
- who can access the data
- who is accountable for the data
- how the data is shared
- how the data is destroyed

For each data type, the probability of a data breach occurring is assessed (very high, high, medium, low or very low) and actions to be taken to mitigate the risk are recorded.

It is the responsibility of the DPO to ensure the 'Data Flow Map' is kept up to date. The map should be a live document and updated regularly.

### **Third Party Suppliers Acting as Data Processors**

As Data Controller, the school is responsible for ensuring that correct protocols and agreements are in place to ensure that personal data is processed by all sub-contractors and other third parties in line with the principles of the data protection legislation.

Individuals within school who have a responsibility for securing contracts and agreements with such third parties are responsible for ensuring that all external data processing is contracted out in line with the principles of the DPA. These types of agreements include: -

- IT contracts and processes.
- Physical data and hard copy documents.
- Data destruction and hardware renewal and recycling financial and personnel information.
- Pupil and staff records.

Only third-party suppliers who can confirm they have appropriate technical, physical and organizational security to securely process data will be considered suitable partners.

The procurement process will ensure that all contracts are suitable and reflect DPA requirements. Review of current and due consideration of future contracts will require this even if data processing is ancillary to the main purpose of the contract.

The external processor will confirm with the data controller that suitable security and operational measures are in place.

Any potential supplier or purchaser outside the EU will be obliged to confirm how they comply with the DPA and give contractual assurances.

The DPO may require a specific risk assessment to be undertaken if the data is sensitive, and if an increased risk is likely due to the nature, or proposed nature, of the processing.

A written agreement will be in place between the supplier and the school to confirm compliance with the DPA principles and obligations to assist the school in the event of data breach or subject access request, or enquiries from the ICO.

The school must have the right to conduct audits or have information about audits that have taken place in respect of the relevant processes of the supplier's security arrangements whilst the contract is in place, or whilst the supplier continues to have personal data that relates to the contract on its systems.

Any subcontracting must only be done with the written consent of the school as data controller. This must be the case for any further subcontracting down the chain. All subcontractors must confirm agreement to be bound by DPA principles when handling the school's data, which shall also include co-operation and eventual secure destruction or return of data.

The school has a 'Third Party Request for Information' form which must be used for third party suppliers acting as a Data Processor for the school.

## **Consent**

As a school we will seek consent from:

- Staff – by completion of application form and personal data form
- Governors – by completion of Data Protection Governor Consent form (Appendix A)
- Volunteers – by completion of the school’s Volunteer Application form
- Parents/Carers – by completion of the school’s admission application forms

We will be clear about our reasons for requesting the data and how we will use it. There are contractual, statutory and regulatory occasions when consent is not required. However, in most cases, data will only be processed if explicit consent has been obtained.

Consent is defined by the DPA as “any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by clear affirmative action, signifies agreement to the processing of personal data relating to him or her”.

## **Privacy Notices**

In order to comply with the fair processing requirements of the DPA, the school will inform their staff, parents/carers of all pupils, volunteers and governors of the data they collect, process and hold on them, the purposes for which the data is held and the third parties (e.g. LA, DfE, etc) to whom their data may be passed, through the use of ‘Privacy Notices’.

Privacy notices are available to staff, parents, volunteers and governors through the following means:

- School website
- Staff A-Z Handbook

## **The Use of Images (Pupil and Staff)**

Occasionally the school may take photographs of its pupils. These images could be used as part of internal displays, printed publications, the school website or our social media accounts.

St John’s C of E Primary School will seek consent from all parents to allow the photography of pupils and the subsequent reproduction of these images. Consent will last for the length of time the child is a pupil at the school. Appendix B

The school will seek consent from all members of staff to allow their photography to the subsequent reproduction of these images. Consent will last for the duration of the staff members employment. Appendix C

Parents and staff are given the opportunity to opt in. It is not permissible to assume parents are opting in.

Generic consent for all uses of images is not acceptable; parents and staff must give consent to each medium.

Parents and staff must be given the opportunity to withdraw their consent at any time. This should be given in writing to the school, however a verbal withdrawal of consent is also valid and should be reported to Headteacher immediately.

Consent should be recorded on SIMS.

If images of individual pupils are published, then the name of that child should not be used in the accompanying text or caption unless specific consent has been obtained from the parent prior to publication.

The school 'Parental Consent' and 'Staff Consent' forms are used to seek consent when they join the organisation.

### **Accurate Data**

The school will endeavour to ensure that the data it stores is accurate and up to date.

When a pupil or member of staff joins the school, they will be asked to complete a form providing their personal contact information (e.g. name, address, phone number, NI number for staff), next of kin details, emergency contact and other essential information. At this point, the school will also seek consent to use the information provided for other internal purposes (such as promoting school events, photography).

The school will undertake an annual data collection exercise, where current staff and parents will be asked to check the data that is held about them is correct. This exercise will also provide individuals with the opportunity to review the consent they have given for the school to use the information held for internal purposes.

Parents/carers and staff are requested to inform the school when their personal information changes.

### **Withdrawal of Consent**

Consent can be withdrawn, subject to contractual, statutory or regulatory constraints. Where more than one person has the ability to provide or withdraw consent, the school will consider each situation on the merits and within the principles of the DPA, child welfare, protection and safeguarding principles.

Parents/carers and staff are requested to complete a Withdrawal of Consent form and return this to the Headteacher.

### **Associated Data Protection Policies/Agreements**

- CCTV
- Complaints
- Confidentiality Agreement
- Data Breaches
- ICT Usage Agreement
- Records Management and Retention
- Subject Access Requests
- Third Party Requests for Information
- Use of Personal Devices

St John's C of E Primary School adopts and follows the model policies and guidance provided by SBM Services, our appointed Data Protection Officers (DPOs).

SBM Services maintain up-to-date versions of all associated Data Protection policies and agreements listed above. The school's internal procedures reflect and align with these SBM Services model policies, and these policies will be used at all times.

The School Business Manager and Headteacher have online account details to SBM Services to access these policies / agreements.

### **CCTV**

St John's C of E Primary School uses closed circuit television (CCTV) images to reduce crime and monitor the school buildings in order to provide a safe and secure environment for pupils, staff and visitors, and to prevent loss or damage to the school property. The school follows the SBM Services model CCTV policy.

## **Complaints**

Data complaints should be made in line with the school's complaints policy in the first instance. An individual may contact the Information Commissioner's Office (ICO) if they are not satisfied with how a complaint has been dealt with by the school. The telephone number for the ICO is 0303 123 1113. The school follows the SBM Services guidance on data protection complaints handling.

## **Confidentiality Agreement**

The school has a Confidential Agreement in place which staff, governors and volunteers are required to sign. This agreement sets out the expectations the school has in relation to maintaining confidentiality. The school uses the SBM Services model Confidentiality Agreement.

## **Data Breaches**

Although the school takes measures against unauthorised or unlawful processing and against accidental loss, destruction or damage to personal data as set out in this policy and the supporting policies referred to, a data security breach could still happen. Examples of data breaches include:

- Loss or theft of data or equipment on which data is stored (e.g. losing an unencrypted USB stick, losing an unencrypted mobile phone).
- Inappropriate access controls allowing unauthorised use.
- Equipment failure.
- Human error (e.g. sending an email to the wrong recipient, information posted to the wrong address, dropping/leaving documents containing personal data in a public space).
- Unforeseen circumstances such as fire or flood.
- Hacking attack.
- 'Blagging' offences where information is obtained by deceiving the school.

The school follows the SBM Services model Data Breach policy which sets out the required process that should be followed in the event of a data breach occurring.

## **Data Privacy Impact Assessments**

When considering the purchase of a new service or product that involves processing personal data, a Data Privacy Impact Assessment must be completed by the DPO. If risks are identified as part of the assessment, then appropriate steps to mitigate this risk must be implemented. If these risks are deemed to be 'high risk' then the DPO should consult with the ICO prior to implementation.

The school uses the SBM services Data Privacy Impact Assessment template for all new services/products.

## **ICT Usage Agreement**

The school has an ICT Usage Agreement in place which staff, governors and volunteers are required to sign. This agreement sets out the expectations the school has in relation to staff safety and securely using the IT network. The school uses the SBM Services model ICT Usage Agreement.

## **Records Management**

The school recognises that by efficiently managing its records, it will be able to comply with its legal and regulatory obligations which will also contribute to the effective overall management of the school. The school follows the SBM Services model Records Management and Retention policy which documents:

- safely and securely store data (both digital and hard copy data)
- retain data
- dispose of data

### **Subject Access Requests**

Any individual, person with parental responsibility or young person with sufficient capacity has the right to ask what data the school/academy holds about them and can make a Subject Access Request (SAR).

The school follows the SBM Services model Subject Access Request policy which details the process for handling SARs.

### **Third Party Requests for Information**

Occasionally the school may receive a request for information on a pupil or member of staff by a third party, such as the police or social services. This would be separate to statutory requests that come through from the DfE or LA, for example, which are covered within the privacy notices.

The school uses the SBM Services model Third Party Request for Information policy which sets out the correct process that should be followed in the event of receiving a third-party request.

### **Use of Personal Devices**

The school recognises the benefits of mobile technology and is committed to supporting staff in the acceptable use of mobile devices. The school follows the SBM Services model 'Bring Your Own Device' policy which sets out how non-school owned electronic devices, e.g. laptops, smart phones and tablets, may be used by staff members and visitors securely on the school.

## Data Protection Governor Consent Form

St Johns C/E VC Primary School fully complies with information legislation. Please see the Privacy Notice for Governors on the school's website.

This form explains the reasons why St John's may collect certain personal data from you. Please read the form thoroughly and outline your agreement as appropriate.

<b>Name:</b>	
<b>Date:</b>	
<b>Role:</b>	

### Why do we need your consent?

There is some information that we need from you as a statutory requirement:

- Your name
- Contact details
- Date of birth
- Occupation

We are required, for example, to pass on your details to Getting Information About Schools (GIAS) service provided by the Government. Our legal basis for collecting this information, therefore, is not consent on your behalf; instead, it is a statutory requirement imposed upon us.

However, we will also request from you information for which we require your consent; for example:

- Brief biographies
- Photograph
- Sharing with other Governors
- Others as required

*The remainder of this form refers solely to these items of data, i.e. the ones for which we require your consent.*

Without your consent, St Johns School will not use this data. If there are only certain conditions under which you would like your data to be used St Johns School will abide by the conditions you outline in this form.

### How will we use your data?

Please see the Privacy Notice for Governors on the school's website.

### What are the conditions of use?

- This consent form is valid for the current xxxx academic year. Consent will be refreshed if any aspect of the data management changes.
- It is the data subject's responsibility to inform the Data Protection Officer (DPO) in writing if consent needs to be withdrawn or amended.
- The School will only use the data outlined in this form as you have consented to.
- The School will not use any sensitive data for any purposes without first seeking additional consent unless the School has another lawful basis for processing, such as a legal obligation.
- The School will retain your data until this consent form is invalid, due to expiry, withdrawn consent, or you no longer serve as a Governor at the School.

**Providing your consent**

Please read the following conditions thoroughly and provide your consent as appropriate by ticking either ‘Yes’ or ‘No’ for each criteria.

The School will only process data which you have provided consent for.

<b>I provide consent for the school to process:</b>	<b>Yes</b>	<b>No</b>
Photographs		
Biography		
Sharing with other Governors		
<b>I do not give consent for my personal data to be used for any of the above purposes</b>		

**Refreshing your consent**

This form is valid for the current academic year and it will be updated on an annual basis. Governors will be required to fill in a new form every academic year.

Consent will also be refreshed where any changes to circumstances occur – this can include, but is not limited to, the following:

- New requirements for consent, e.g. the school wishes to request to process another piece of data.

Where you would like to amend the provisions for which consent has been provided, you must submit your request in writing to the DPO. A new form will be supplied to you to amend your consent accordingly and provide a signature.

**Withdrawing your consent**

Data subjects have the right to withdraw their consent at any time. If you would like to withdraw your consent, you must submit your request in writing to the DPO.

**Declaration**

I, ..... (name of data subject), understand:

- Why my consent is required.
- How the School will use my data.
- Which other organisations may have access to and use my data.
- The conditions under which the School will use my data.
- That I have provided my consent above for the specified conditions of use.
- That consent is refreshed annually, and I will be asked to re-provide my consent at the beginning of the next academic year.
- That I will be asked to re-provide where any circumstances change.
- That I can amend or withdraw my consent at any time, and I must do so in writing to the DPO.

<b>Name of Governor</b>	
<b>Signature</b>	

## St John's C/E Primary School Parental Consent Form

### Medical Treatment

I agree that should my child need medical treatment during school hours and it is not possible to contact a parent / carer the necessary medical treatment may be obtained by the school in my absence.

Yes  No

### Local School Visits

I agree that my child may walk to locations in Danbury on the understanding that the school completed the appropriate risk assessments.

Yes  No

### Student Images

Occasionally, we may take photographs of the children at our school. We use these images as part of our school displays and sometimes in other printed publications. We will also use them on our school website.

If we use photographs of individual pupils, we will not use the name of that child in the accompanying text or photo caption. If we name a pupil in the text, we will not use a photograph of that child to accompany the article. If a child has won an award and the parent would like the name of their child to accompany their picture we will obtain permission from the parent before using the image.

From time to time, our school may be visited by the media who will take photographs or film footage of a high profile event. Children may appear in these images, which will sometimes be published in local or national newspapers, or on approved websites.

Please use the boxes below to indicate whether you give consent to each medium:

	Yes	No
I give permission for my child's photo to be used within school for display purposes	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my child's photo to be used on the school website	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my child's photo to be used in other printed publications	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my child to appear in the media	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my child to appear on the school's Instagram account	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my child to have a school photograph taken. I understand this printed/digital photograph can be purchased by parents.	<input type="checkbox"/>	<input type="checkbox"/>

We will keep you updated about school based events, such as open mornings, Parent Association fundraising events, class assemblies etc. by ParentPay, individual letters or the newsletter.

**Direct Marketing**

From time to time information of third party special offers or promotions that might be of interest to you such as school holiday clubs and local events will be sent home via leaflets in school bags.

This form is valid for the current academic year. Parental consent for these areas will be requested on an annual basis to ensure that consent is still valid.

Consent to any of the above can be withdrawn by parents. Please provide the school with written confirmation that you withdraw your consent and specify which areas this is in relation to.

**Parent/Carer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Pupil Name:** \_\_\_\_\_ **Relationship to child:** \_\_\_\_\_

## St Johns Primary School Staff Consent Form

### Staff Images

Occasionally, we may take photographs of the staff employed within our school. We use these images as part of our school displays and sometimes in other printed publications. We also may use them on our school website and social media accounts.

Without your consent, we will not use images and videos of you except for legal reasons which we do not require consent for (e.g. staff ID badges).

Learning Journeys and Records of Achievement are used to celebrate our pupil's progress throughout school. These are sent home at the end of Reception and Year 6. Photographs of staff may appear in these records.

From time to time, our school may be visited by the media who will take photographs or film footage of a high-profile event. Staff may appear in these images, which will sometimes be published in local or national newspapers, or on approved websites.

Please use the boxes below to indicate whether you give consent to each medium:

	<b>Yes</b>	<b>No</b>
I give permission for my photo to be used within school for display purposes	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my photo to be used on the school website	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my photo to be used in other printed publications	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my photo to be used on the school's social media sites	<input type="checkbox"/>	<input type="checkbox"/>
I give permission for my photo to appear in the media	<input type="checkbox"/>	<input type="checkbox"/>
I consent to having my photo taken as part of a class or school photograph. I understand this printed/digital photograph can be purchased by parents.	<input type="checkbox"/>	<input type="checkbox"/>

This form is valid for the length of time you are employed at the school.

Consent to any of the above can be withdrawn at any time. Please provide the school with written confirmation that you withdraw your consent and specify which areas this is in relation to.

**Staff Signature:**

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**Print Name:**

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**Date:**

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