Data Protection Policy

For Data Subjects

Ratification Date: ___20/07/21_____

Signed: ___AJHawkins_____

Review Date: ___11/09/26_____

Date of next review: September 2027

Version Control

Version	Date	Changes
1	July 21	Original
	July 23	Initial Review
1.1	Sept 23	Review. Language changes for consistency. Pupils to students. Review time-every two years to annually. CCTV section reworded to include landlord's use of CCTV
1.2	04/09/24	Reviewed – grammar amend at section 9
1.3	12/09/25	Reviewed, updated review section and schedule
1.4	11/9/26	No Changes

Approved and reviewed by The Board of Directors.

This policy will be reviewed bi annually, or more frequently, if necessary, to ensure that it remains up-to-date and effective. The review will take into account changes in legislation, guidance, and best practice. The review will also consider feedback from Young people, staff, and parents.

Key staff involved in GDPR monitoring:

Data Protection Lead/COO – Dave Smith

Provision CEO – Andy Hawkins

1. Purpose

Liminal Education's Data Protection Policy is intended to ensure that personal information is dealt with securely and in accordance with the Data Protection Act 2018, EU General Data Protection Regulation (GDPR). It will apply to all data held by the provision regardless of the way it is used, recorded and stored and whether it is held by the provision in paper files or electronic form.

2. Introduction

Liminal Education collects and uses certain types of personal information about students, parents, staff and other individuals who come into contact with the provision in order to provide education and other associated functions. Our provision is required by law to collect and use certain types of information to comply with statutory obligations related to education, safeguarding and employment, and this policy is intended to ensure that personal information is dealt with securely and in accordance with the GDPR. The GDPR applies to all electronic and manual data files.

This policy will apply to any member of staff in the provision who process personally identifiable information. Liminal Education will take reasonable steps to ensure that members of staff will only have access to personal data where it is necessary for them to carry out their duties. All staff will be made aware of this policy and their duties under the GDPR. Liminal Education will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

This policy will be updated when amendments to the data protection legislation are made or to reflect best practice where necessary. The policy will be reviewed annually.

3. Definitions and Common Terminology

Data Controller – a natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and, means of the processing of personal data.

Data Processor – a natural or legal person, public authority, agency or any other body that processes personal data on behalf of the data controller.

Data Subject – an identified or identifiable living individual whose personal data is held or processed.

Personally Identifiable Information – any information relating to an identified or identifiable, living individual.

Special Categories of Personal Data – personal data which is more sensitive and so needs more protection, including information about an individuals, 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.

Data Protection Officer – a person who is tasked with helping to protect and help an organisation to meet the GDPR compliance requirements, does not hold ultimate accountability for compliance.

Subject Access Request – a right that a person has to obtain a copy of information held about them by the organisation.

Data Breach – a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of or access to personal data.

ICO – Information Commissioners Office (Supervising Authority in the UK)

4. Data Protection Principles and How Liminal Education Complies

As the Data Controller, Liminal Education processes personal data in line with the GDPR sets of guiding principles as follows:

Data Protection Principles	**How Liminal Education Will Comply**
Legality, Transparency and Fairness *Personal data will only be processed by the provision, where it is able to demonstrate that it has a 'Lawful basis' for the processing activity*	A data mapping document identifies all data processed by the provision to monitor and review the 'lawful basis' for collecting, processing, sharing, storing and destroying data. A Privacy Notice for pupils, parents/carers, staff and visitors to provision is readily available and includes all details of the data collected.
Purpose Limitation *Personal data should be collected for specific, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes.*	A data mapping document will identify the purposes for which processing will take place, the description of the categories of individuals and personal data, the categories of recipients of the data (eg Third party organisations who the provision shares the data with. Retention schedules for the personal data will also be noted.
Data Minimisation *The personal data must be 'Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'*	Data collection forms will be regularly reviewed to ensure information is appropriate and not excessive. Data required by teaching staff will be provided only for the purpose it is required to ensure information used is minimal.
Accuracy *All reasonable steps will be taken to ensure that personal data that is inaccurate, having regard to the purposes for which they are*	Data will be regularly checked to ensure it is as accurate as possible through a variety of measures: • Issue data collection forms on an annual basis to parents/carers to check and amend data held. • Reminders on provision newsletters

processed, are erased or rectified without delay.	• During Parent Consultations • Student progress meetings
Storage Limitation *Personal data shall be kept in a form, which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.*	Retention periods for various data held in the provision are recorded within the data mapping document. The provision refer to the Information Record Management Toolkit to establish appropriate retention periods and data is archived and destroyed as set out in these guidelines.
Integrity and Confidential (Security) *Personal data will be processed in a manner, which ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing, and against accidental loss, destruction or damage, using appropriate technical or organisational measures*	Electronic devices, such as computers, laptops, ipads, etc are password protected. Passwords are a minimum of 8 characters and contain a mixture of upper case, lower case letters and numbers. Passwords are changed on a regular basis Computers are locked when not in use. Secure transmission of data: Secure password protected exchange sites are used to transfer data Paper based data is stored in secure lockable cabinets. Offices around provision are locked at all times. Access to the provision site is secure with an intercom secure system in operation.
Accountability *Liminal Education as data controller will be able to demonstrate compliance with the previous principles.*	A data protection officer is appointed. A data protection lead is first point of contact. Liminal Education has clear procedures in place for handling a data breach and a Subject Access Request

	Third party agreement/assurances are in place for all data shared with such organisations who process data on behalf of the provision. Provision staff are GDPR trained on an annual basis. Regular Data Audits and reviews will be undertaken to check the robustness of processes and systems for continued GDPR compliance

5. Data Processing Measures

The provision have put measures in place to show that data protection requirements are integrated into all data processing activities. These include:

- appointment of a suitably qualified Data Protection Officer (DPO)
- Maintaining up to date, data mapping records to ensure that processing of personal data for a specific purpose is undertaken in line with the data protection principles as set out in GDPR.
- Where the provision is introducing new technologies or it is considered that the processing of personal data presents a high risk to the rights and freedoms of individuals, data protection impact assessments will be completed by the relevant staff in liaison with the Data Protection Lead within the provision

6. Use of Personal Data

Liminal Education process personal data on students, staff and visitors. Personal data for each individual will be processed in accordance with the GDPR principles as outlined in point 4.

In accordance with the principle of transparency, the provision has developed and will maintain privacy notices for different categories of data subject. These outline the categories of data captured, the purpose of processing and if the information is shared with third parties.

Our data mapping document informs the content of our privacy notices, which can be found on our website or within the shared area of the provisions electronic system for staff.

Privacy notices have been drafted for the following categories of data subjects:

- Pupils
- Parents/carers
- Staff and Volunteers
- Visitors and contractors
- Provision Directors

7. Photographs and Videos

The provision may take photographs and videos of individuals as part of provision activities. Such images may be used for:

- Notice boards around provision, provision newsletters, brochures etc
- External agencies such as the provision photographer, newspapers/media campaigns
- Provision website or social media

In order to do this we will obtain written consent from parents / carers before we take photographs or videos of your child. We will do this at our initial meeting. When we seek consent, we will clearly explain how the photographs and/or videos are to be used.

You have the right to withdraw consent at any time, upon which we will delete any images already taken and we will not distribute those images further.

Where photographs and/or videos are taken by parents / carers at provision events for their own personal use, the requirements of data protection legislation do not apply. However, we do ask that should your photos / videos capture images of other pupils in addition to their own child, that they do not share these in any public way (including on social media sites) for safeguarding reasons unless all relevant parents / carers have given their consent for them to do so.

8. A Data Subjects Rights

Under the GDPR, data subjects have the following rights with regards to their personal information, as follows:

1. Right to be informed about the collection and the use of their personal data
2. Right of access personal data and supplementary information
3. Right to have inaccurate personal data rectified, or completed if it is incomplete
4. Right to erasure (to be forgotten) in certain circumstances
5. Right to restrict processing in certain circumstances
6. Right to data portability, which allows the data subject to obtain and reuse their personal data for their own purposes across difference services.
7. Right to object to processing in certain circumstances
8. Rights in relation to automated decision making and profiling.
9. Right to withdraw consent at any time (where relevant)
10. Right to complain to the Information Commissioner

Individuals should submit any request to exercise these rights to the Data Protection Lead in provision. If staff receive such a request, they will immediately forward it to the Data Protection Lead, who will liaise with the Data Protection officer as necessary.

9. Subject Access Requests

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

- Confirmation that their personal data is being processed
- Access to a copy of the data
- The purpose 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 restrictions, 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
- The safeguards provided if the data is being transferred internationally

It is important to bear in mind that a student's personal data is just that – their data – and does not belong to their parent / carer. As such, if a parent or carer wishes to make a subject access request for data relating to their child, the student needs to have given their consent dependent on their age and level of understanding.

The age of 13 is used as a guide to determining when a child is generally likely to be mature enough to understand their rights, and accordingly any requests for their personal data from this age onwards would generally be expected to come from the child themselves.

For children below this age, it is less likely that they will fully understand the implications of SARs, and so it would normally be acceptable for the request to come from the parent / carer.

However, both of the situations above are used as a guide only, and each request (and requestor) will be judged on an individual case by case basis.

Subject access requests can be submitted in any form to any member of staff within the provision. However, the provision may contact the requester for more details in order for the provision to respond to requests appropriately. If staff receive a subject access request in any form they will forward to the data protection lead within the provision immediately. The data protection officer will also be advised to ensure appropriate support is provided to the provision to fulfil the request.

Parents can also contact the data protection lead within the provision to make a subject access request. The Data Protection Lead at Liminal Education is Dave Smith. He can be contacted at Liminal Education. Stringes Close, Willenhall WV13 1LE. Telephone 07889 451 425. Alternatively, see Appendix A for completion if you wish to submit a Subject Access Request now.

Information about how to make a Subject Access Request or for more details can be obtained from the Data Protection Lead within the provision.

10 Responding to a Subject Access Request

When responding to requests, the provision may:

- contact the individual via telephone to confirm the request has been made by them
- ask the individual to provide further details so that the provision can verify and confirm the data required.
- request 2 forms of identification of the individual. Proof of address will also be verified.
- If a third party is requesting data, written authority or a power of attorney will be verified.

Requests will be responded to within one calendar month from receipt of the request. However, if additional information is required in order for the provision to fulfil the

request the response period will be from receipt of all information obtained. This includes receipt of proof of identity and proof of address where relevant.

Based on the complexity of the request and in line with Article 12 (3) GDPR, the timeframe in which to respond to a Subject Access Request may be extended up to three calendar months if required. In such instances the provision will liaise with the Data Protection Officer and liaise with the requester to advise of the response time or any delays at the earliest opportunity.

Data provided to the requester may contain details of other individuals and therefore such data will be redacted (blanked out) to protect those individuals' identity and personal data. Details contained within the documents will pertain to the appropriate individual only.

When responding to the request, the provision may decide against disclosing information for a variety of reasons, including if it;

- would have an adverse affect on the rights and freedom of others
- information that might cause serious harm to the physical or mental health of the pupil or another individual;
- information that would reveal that the child is at risk of abuse, where disclosure of that information would not be in the child's best interests;
- information contained in adoption and parental order records;
- certain information which may be used in legal proceedings;
- would include personal data relating to another individual, where; the provision cannot sufficiently anonymise the data to protect that individual's rights', we do not have their consent to release that individuals' data, and it would be unreasonable to proceed without such consent.

If a request is determined to be 'unfounded or excessive, the provision has the right to refuse the request, or in some cases, charge a reasonable fee to cover the administrative costs of responding to the request.

If the provision refuses a request they will inform the individual of the reasons why, and advise them of their right to complain to the ICO, if they wish to do so.

11. Complaints to the Information Commissioner

If you are dissatisfied with the way the provision have handled your request and want to make a complaint, you may write to the Information Commissioner, who is an independent regulator. Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.
The Information Commissioner can be contacted at:
Information Commissioners Office, Wycliffe House Water Lane Wilmslow Cheshire, SK9 5AF Tel: 0303 123 1113
Website: https://ico.org.uk

12. Destruction of Records

Personal data that is no longer required either due to it being out of date, inaccurate or in line with the provision retention policy, will be disposed of securely.

The provision will shred paper-based records, and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the provision's behalf. If we do so, a third party assurance will be obtained to provide provision with sufficient guarantees that the company complies with data protection law.

13. CCTV

Liminal Education's landlord operates a CCTV system to monitor activities at the site entrance to identify instances of criminal activity and in order to ensure the safety and wellbeing of the provision community. We do not need to ask the permission of individuals on our provision site to record images on CCTV.

The provision will only operate overt surveillance,and will display signs in the areas of the provision where this is in operation. Covert surveillance (i.e. which is intentionally not shared with the individuals being recorded) is not condoned by the provision.

Any enquiries or complaints about the landlord's CCTV system should be directed towards the data protection lead in provision (see point 17) in the first instance, who will investigate as required, and respond in accordance with the provision's CCTV policy.

14. Data Breaches

The provision will make all reasonable endeavours to ensure that there are no personal data breaches. The provision has robust procedures in place to deal with any personal data breach and will notify the ICO where we are legally required to do so. Data subjects will be notified in instances where the rights and freedoms of such individuals has been compromised. The provision will work with their Data Protection Officer to address a breach and provision processes will be reviewed to mitigate risks if it is appropriate to do so.

15. Training

All staff and Directors are provided with data protection training on an annual basis or more regularly where there are changes to legislation guidance or provision processes.

16. Contact Details

If you wish to make a Subject Access Request (see point 11 and/or appendix A) or have general queries in relation to data protection within provision, these should be directed to the Data Protection Lead within the provision. The Data Protection Lead at Liminal Education is Dave Smith. He can be contacted at Liminal Education. Stringes Close, Willenhall WV13 1LE. Telephone 07889 451 425. Alternatively, see Appendix A for completion if you wish to submit a Subject Access Request now.

In the first instance concerns, questions or complaints, can be discussed with the Data Protection Officer. This would include situations where there are concerns about the way a Subject Access Request or a data breach has been addressed or the robustness of policy or procedures within the provision in relation to Data Protection.

If you remain dissatisfied with the assistance that you have received or if you do not feel your subject access request has been dealt with appropriately or you have concerns with regards to a possible breach you can make a formal complaint to the Information Commissioners Office. This can be done via the website at www.ico.org.uk. Telephone:

0303 123 1113 or in writing to Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5A

Appendix A

Subject Access Request Form

Name	
Contact Address	
Contact Telephone Number	
Name of pupil, data is required for	
Pupils Date of Birth	

To ensure a timely response, please provide as much detail as possible about the data you require.

Identification requirements - In order for data to be provided and to satisfy all parties that data is being shared with appropriate persons, Liminal Education will require identification of the requester, including proof of address.

If you are a third-party requesting data of an individual, written authority from the parent/pupil will be required. Where a power of attorney is in place, evidence of this will be requested prior to the release of data.

Response times - Upon receipt of the completed Subject Access Request and all information required to fulfil the request, Liminal Education will provide a response to you within 30 calendar

days in line with GDPR. Should a request be deemed complex, the provision will advise you of this and provide a response period, which can be up to 3 calendar months.

The Data Protection Lead at Liminal Education is Dave Smith. He can be contacted at Liminal Education. Stringes Close, Willenhall WV13 1LE. Telephone 07889 451 425.

Email: davesmith@liminalcic.org.uk