

Data Protection Policy and Procedures

Frequency of Review	Every 1 year
Author	Director of HR and Operations
Approved by	Finance Audit & Risk Committee
Reviewed	Nov 2025
Date of Next Review	Nov 2026 (unless there is a material change)

Data Protection Policy and Procedures

1. Aims.....	2
2. Legislation and guidance	2
3. Definitions	2
4. The data controller.....	3
5. Roles and responsibilities	3
6. Data protection principles	5
7. Collecting personal data	5
8. Sharing personal data.....	7
9. Subject access requests and other rights of individuals.....	7
10. Biometric recognition systems.....	9
11. CCTV	9
12. Photographs and videos.....	10
13. Artificial intelligence (AI).....	10
14. Data protection by design and default.....	10
15. Data security and storage of records.....	11
16. Disposal of records.....	11
17. Personal data breaches	12
18. Training	12
19. Concerns and complaints.....	12
20. Monitoring arrangements	12
21. Links with other policies	12
Appendix 1: Data Breach Response Plan.....	14
Appendix 2: Appropriate Policy Document.....	20
Appendix 3: Data protection complaints form.....	26

1. Aims

The Propeller Academy Trust (PAT) and its member schools aim to ensure that all personal data collected about staff, pupils, parents and carers, 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](#).

It also reflects the ICO’s [guidance](#) for the use of surveillance cameras and personal information.

In addition, this policy complies with our funding agreement and articles of association.

3. Definitions

Term	Definition
Personal data	Any information relating to an identified, or identifiable, living individual. This may include the individual’s: <ul style="list-style-type: none">• Name (including initials)• Identification number• Location data• Online identifier, such as a username It may also include factors specific to the individual’s physical, physiological, genetic, mental, economic, cultural, or social identity.
Special categories of personal data	Personal data, which is more sensitive and so needs more protection, including information about an individual’s: <ul style="list-style-type: none">• 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.
Data controller	A person or organisation that determines the purposes and the means of processing 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

The Propeller Academy Trust, and its member schools, processes personal data relating to parents and carers, pupils, staff, governors, visitors, and others, and therefore is a data controller.

The Propeller Academy Trust is registered with the ICO, as legally required.

5. Roles and responsibilities

This policy applies to all staff employed by the Trust, to volunteers, School Governors, Trustees and Members and to external organisations or individuals working on our behalf. Staff who do not comply with this policy may face disciplinary action.

5.1 Board of Trustees

The Board of Trustees (BoT) are the Data Controller and have overall accountability for data protection.

They are responsible for ensuring that the Trust complies with all relevant data protection obligations.

The monitoring of compliance is delegated to the Finance, Audit and Risk Committee (FARC) through the SoD.

5.2 Chief Executive Officer (CEO)/Director of HR and Operations (DHR&O)

The CEO is responsible for:

- Developing and implementing the Data Protection policy, plus related policies, and guidelines where applicable, in order to meet compliance with regulations
- Monitoring compliance across Trust member schools

The DHR&O is responsible for:

- Appointment of the data protection officer (DPO)
- Drafting privacy notices

- Acting as the trust data protection lead (DPL), supporting schools with subject access requests (SARs)/freedom of information requests (FOI) alongside the DPO.
- Responding to complaints
- Monitoring compliance across trust central functions e.g. IT, HR, Finance

5.3 Board of Governors

Each Local Governing Board (LGB) has overall responsibility for ensuring that a member school complies with all relevant data protection obligations. LGB's have delegated responsibility for overseeing the audit process adopted within their school.

5.4 Data protection officer (DPO)

The trust has an independent, external DPO who is responsible for monitoring the Trust and school's compliance with data protection law, providing support and guidance as required.

The DPO will provide report of their activities directly to the DHR&O following compliance reviews. The DHR&O will forward the DPO's advice and recommendations on school data protection issues to the relevant headteachers who will update their LGB. DHR&O will report on Trust-wide compliance to the Finance, Audit and Risk Committee.

The DPO is the first point of contact for individuals whose data the school processes, and for the ICO.

Full details for the DPO's responsibilities are set out in the relevant service specifications.

Our DPO is Nicola Cook, Schools DPO Ltd and is contactable via www.schoolsdpo.com, 01296 658502.

5.5 School Business Managers and Administrators

School office administrators manage data protection compliance records day to day and work closely with the headteacher and DPO. They will be responsible for contacting the headteacher as the school DPL or the DPO in the following circumstances:

- With 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 privacy notice, deal with data protection rights invoked by an individual, or transfer data outside of the UK
- 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

5.6 Headteacher

The headteacher acts as a representative of the data controller on a day-to-day basis and as the operational data protection lead (DPL), is responsible for overseeing the implementation of this policy at school level and monitoring compliance.

They will be responsible for liaising with the trust DPL or DPO in the following circumstances:

- With 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 privacy notice, deal with data protection rights invoked by an individual, or transfer data outside of the UK
- 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

5.7 All staff

Staff are responsible for:

- Collecting, storing, and processing any personal data in accordance with this policy
- Informing the trust of any changes to their personal data, such as change of address
- Contacting the headteacher (DPL) in the following circumstances:
 - With 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 privacy notice, deal with data protection rights invoked by an individual, or transfer data outside of the UK
 - 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 trust 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

The trust is also required to be able to demonstrate evidence of compliance with the UK GDPR under the principle of accountability.

This policy sets out how the trust 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 1 of 6 'lawful bases' (legal reasons) to do so under data protection law:

- The data needs to be processed so that the trust can fulfil a contract with the individual, or the individual has asked the school to take specific steps before entering the contract
- The data needs to be processed so that the trust can comply with a legal obligation

- The data needs to be processed to ensure the vital interests of the individual or another person e.g. to protect someone's life
- The data needs to be processed so that the Trust, 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 interest of the trust (where the processing is not for any task the trust 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 pupil) has freely given clear consent

For special categories of personal data, we will also meet 1 of the special category conditions for processing under data protection law:

- The individual (or their parent/carer when appropriate in the case of a pupil) has given explicit consent
- The data needs to be processed to perform or exercise obligation 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 reason of substantial public interest as defined in the 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 be 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 pupil) 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

If we are relying on one of the special category conditions of our data processing which has a basis in law or is required by law, we will also meet one of the additional conditions as required by section 10 of the UK Data Protection Act 2018. See our appropriate policy document for more information (Appendix 2).

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law. This will normally be through trust privacy notices.

We will always consider the fairness of our data processing. We will ensure that we do not handle personal data in ways that individuals would not reasonably expect or use personal data in way which have unjustified adverse effects on them.

7.2 Limitation, minimisation, and accuracy

We will only collect personal data for the 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 trust's record retention schedule defined within the data retention policy.

8. Sharing personal data

We will not normally share personal data with anyone else without consent, but there are certain circumstances where we may not be required to do so. These include, but are not limited to, situations where:

- There is an issue with a pupil or parent/carer that puts the safety of our staff at risk
- We need to liaise with other agencies – we will seek consent as necessary before doing this
- Our suppliers or contractors need data to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:
 - Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with 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 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 pupils or staff.

Where we transfer personal data internationally, we will do so in accordance with UK data protection law.

9. Subject access requests and other rights of individuals

9.1 Subject access requests

Individuals have a right to make a 'subject access request' to gain access to personal information that the trust 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 has been, or will be, shared with
- How long the data is stored for, or if this is not 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
- The safeguards provided if the data is being transferred internationally

Subject access requests can be submitted in any form, but we may be able to respond to the request more quickly if they are made in writing and include:

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

If staff receive a subject access request or freedom of information request, in any form, they must immediately forward it to the trust data protection lead (DPL) who will support the school to deal with the response within the legally specified timescales. The trust DPL can be contacted at dpl@propellertrust.org.

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 under the age of 12 are generally not 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 pupils at our schools may be granted without the express permission of the pupil. This is not a rule and a pupil's ability to understand their rights will always be judged on a case-by-case basis.

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 pupils at our schools may not be granted without the express permission of the pupil. This is not a rule and a pupil'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 individuals to provide 2 forms of identification
- May contact the individual via phone to confirm that 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 onerous. 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 pupil 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 interest
- Which include another person's personal data that we cannot reasonably anonymise, and we do not 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 the administrative costs. We will take into account whether the request is repetitive in nature when making the 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 below), 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 interest
- Challenge decisions based solely on automated decision making or profiling (e.g. 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 trust DPL

dpl@propellertrust.org. If staff receive a request, they must immediately forward it to the trust DPL on the aforementioned email address.

10. Biometric recognition systems

The propeller academy trust does not use, or plan to use, any biometric recognition systems.

11. CCTV

We use CCTV in numerous locations around the trust to ensure they remain safe. We will follow the [ICO's guidance](#) for the use of CCTV, and comply with the data protection principles.

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

Any queries about the CCTV system should be directed to the DHR&O.

12. Photographs and videos

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

We will obtain written or online consent form from parents/carers from photographs and videos taken of their child for communication, marketing, and promotional materials. We will clearly explain how the photograph and/or video will be used.

Any photographs or 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 of other pupils are not shared publicly on social media for safeguarding reasons, unless the relevant parents/carers (or pupils where appropriate) have agreed to this.

Where the school takes photographs and videos, uses may include:

- Within school notice boards and in school magazines, brochures, newsletters, etc.
- Outside of school by external agencies such as the school photographer, newspaper, 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.

See our child protection and safeguarding policy for more information on our use of photographs and videos.

13. Artificial intelligence (AI)

Generative AI tools, such as ChatGPT and Google Gemini, are now widespread and easy to access. The trust recognises that generative AI has many uses to help staff complete administrative tasks and support pupils to learn. However, this 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 generative AI tools or chatbots.

If personal and/or sensitive data is entered into a generative AI tool, the trust will treat this as a data breach and follow the data breach procedure outline in appendix 1.

For more information, please refer to the AI policy.

14. Data protection by design and default

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

- Appointing a suitably qualified DPO, and ensuring that 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 data protection principle set out in the 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 the 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 at training events
- Regularly conducting reviews and audits to test our privacy measures and make sure we are compliant
- Appropriate safeguards being put in place if we transfer any personal data outside of the UK, where different data protection laws apply
- 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

15. 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
- Papers containing confidential personal data must not be left on office and classroom desks, on staff room 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 of the school office
- Passwords used to access school devices and systems containing personal data should be at least 10 characters long considered complex (containing letters, numbers, and symbols). Multi-factor authentication must be enabled where available. Staff and students are reminded that they should not reuse passwords from other sites
- Encryption software is used to protect all portable devices and removeable media, such as laptops and USB devices
- Staff, pupils, or governors who store personal information on their personal devices are expected to follow the same security procedures as for school-owned equipment (see our online safety policy and IT acceptable use policy)
- Where we need to share personal data with a third party, we carry out due diligence and take reasonable steps to ensure that it is stored securely and adequately protected (see section 8)

16. Disposal of records

Personal data that is no longer needed will be disposed of securely in accordance with our Data Retention Policy . Personal data that has become inaccurate or out of date will be disposed of securely, where we cannot or do not need to rectify or update it.

For example, we will shred or incinerate paper-based records and overwrite or delete electronic files. We may also use a third party to safely dispose of records on the school's behalf. If we do so, we will require the third party to provide sufficient guarantees that it complies with data protection law.

For more information on the disposal of records, please see our data retention policy.

17. Personal data breaches

The trust will make all reasonable endeavours to ensure that there are no personal data breaches.

In the unlikely event of a suspected 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. Such breaches in a school context may include but not limited to:

- A non-anonymised dataset being published on the school website, which shows exam results of pupils eligible for pupil premium
- Safeguarding information being made available to an unauthorised person
- The theft of a school laptop containing non-encrypted personal data about pupils

18. Training

All staff and governors are provided with data protection training as part of their induction process.

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

19. Concerns and complaints

We will always endeavour to resolve any complaints regarding the handling of data protection informally.

However, if this is not possible, individuals have the right to raise a formal complaint under the UK Data (Use and Access) Act 2025. This is a distinct and separate process from our school's complaint procedure. To make a formal complaint please complete the form in Appendix 3 and send to dpl@propellertrust.org.

If, after this, the complainant still has concerns, they can raise them with the ICO. Information about how to make a complaint to the ICO can be found here: <https://ico.uk/make-a-complaint/>.

If you have any concerns, please contact dpl@propellertrust.org.

20. Monitoring arrangements

The DHR&O is responsible for monitoring and reviewing this policy.

This policy will be reviewed annually and approved by the trust's governing board.

21. Links with other policies

This data protection policy is linked to our:

- Freedom of information publication scheme
- Online safety policy
- IT acceptable use policy
- Child protection and safeguarding policy
- Privacy notices
- Data retention policy
- AI policy



Propeller Academy Trust Data Breach Response Plan

Contents

		Page
1	Introduction	15
2	When a Breach Occurs	15
3	Assessment of Risk	16
4	Notification to the ICO	16
5	Communication to affected Individuals	17
6	Roles and Responsibilities	17
7	Actions taken to minimise impact of data breaches	18
8	Accountability and Record Keeping	18

1. Introduction

This data breach response plan is an appendix to our Trust's Data Protection Policy which should be read in conjunction with. If you have any queries, please contact the Director of HR and Operations, our Data Protection Lead, in the first instance.

The General Data Protection Regulation (GDPR) defines a personal data breach as:

“a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed.”

A breach of personal data is a type of security incident and falls into one of three categories:

- “Confidentiality breach” - an unauthorised or accidental disclosure of, or access to, personal data
- “Integrity breach” - an unauthorised or accidental alteration of personal data
- “Availability breach” - an accidental or unauthorised loss of access to, or destruction of personal data.

A breach may concern the confidentiality, integrity and availability of personal data at the same time, or any combination. It can be the result of both accidental and deliberate causes.

Some examples of personal data breaches include:

- access by an unauthorised third party (including the malicious acts of hackers and scammers)
- deliberate or accidental action (or inaction) by a controller or processor
- sending personal data to an incorrect recipient
- computing/mobile devices containing personal data being lost or stolen
- alteration of personal data without permission
- loss of availability of personal data, e.g. when it has been encrypted by ransomware, or accidentally lost or destroyed (including natural disasters such as fire and flood).

Under the GDPR any breach of personal data requires mandatory notification to our supervisory authority, the Information Commissioner's Office (ICO); unless the breach is unlikely to result in a risk to the rights and freedoms of individuals.

2. When a Breach of Personal Data Occurs

As soon as we are aware* that a breach of personal data has occurred, we will immediately seek to contain the incident and also assess the risk to the rights and freedoms of the individual(s) involved.

*Awareness of a breach occurs when we have a reasonable degree of certainty that a breach has occurred.

The GDPR requires us to use our resources to ensure we are 'aware' of a data breach in a timely manner. In some cases, it will be relatively clear from the outset that there has been a breach, whereas in others, it may take some time to establish if personal data have been compromised.

A data incident/breach may occur during school holidays when the trust is closed, or we have a reduced number of staff available. We will ensure that all members of staff have the contact details of the Data Protection Lead and DPO so that any incident/breach can still be dealt with appropriately. These contact details are also included in our Data Protection Policy and Privacy Notices, which are available on our website.

3. Assessment of Risk

The risk from a breach is assessed on a case-by-case basis and both the severity of the potential impact on the rights and freedoms of the individuals and the likelihood will be considered.

When assessing the risk to individuals as a result of a personal data breach we will consider:

- The type of breach
- The nature, sensitivity, and volume of the personal data
- How easy it is to identify individuals
- The severity of consequences for individuals
- Special characteristics of the individual, e.g. if they are children
- Any special characteristics of our trust
- The number of affected individuals.

A breach is likely to result in a risk to the rights and freedoms of individuals if it could result in physical, material, or non-material (e.g., emotional) damage. In particular:

- Loss of control over personal data
- Limitation or deprivation of individuals' rights
- Discrimination
- Identity theft or fraud
- Financial loss
- Damage to reputation
- Unauthorised reversal of pseudonymisation
- Loss of confidentiality of personal data protected by professional secrecy
- Any other significant economic or social disadvantage.

Where special category data* is involved, the GDPR states that such damage should be considered to be likely to occur.

*Special category data is data that is considered more sensitive and requires greater protection: racial or ethnic origin, political opinion, religion or philosophical beliefs, trade union membership, genetic data, data concerning health or sex life, or biometric data used for identification purposes. Data relating to criminal convictions is afforded similar special protection.

4. Notification to the ICO

As a result of this assessment, if we believe that there is a risk to the rights and freedoms of the individual(s), we will notify the Information Commissioner's Office, as required under the GDPR. If we are in any doubt, we will always err on the side of caution and notify the ICO.

Where we assess a breach is reportable to the ICO, we must make this report without undue delay and, where feasible, not later than 72 hours after becoming aware of the breach.

As a minimum, we must include in our notification:

- description of the nature of the personal data breach including, where possible:
 - categories and approximate number of individuals concerned
 - categories and approximate number of personal data records concerned
- name and contact details of the DPO
- description of the likely consequences of the personal data breach
- 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.

The GDPR makes no allowance in the statutory reporting timescale of 72 hours for breaches that occur during school holidays. Therefore, it is important that staff contact the trust Data Protection Lead and the DPO as soon as possible.

5. Communication to affected individuals

Where a data breach is likely to result in a high risk to the rights and freedoms of individuals, we will notify affected individuals as soon as possible. We will provide:

- A description of the nature of the breach
- The name and contact details of the DPO and/or Data Protection Lead
- A description of the likely consequences of the breach
- A description of the measures taken or proposed to be taken, by the trust to address the breach and mitigate any possible adverse effects.

We will also consider what specific advice we can provide to individuals to help them protect themselves, such as resetting passwords where access credentials have been compromised.

6. Roles and Responsibilities

All Staff - if any member of staff believes a breach of personal data has occurred, or might have occurred, they must immediately notify the Data Protection Lead, Ellie Danby (Director of HR and Operations), who will liaise with the Data Protection Officer:

Nicola Cook, SchoolsDPO Ltd: 01296 658502,
nicola@schoolsdpo.com.

If members of staff receive personal data sent in error, they must alert the sender and the **Data Protection Lead** as soon as they become aware of the error.

The **Data Protection Lead**, with the support of colleagues, will investigate the report, and determine whether a breach has occurred. To decide, they 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.

The **Data Protection Lead** will make all reasonable efforts to contain and minimise the impact of the breach, assisted by relevant staff members or data processors where necessary.

In discussion with the **Data Protection Lead**, the **DPO** will assess the potential consequences of the breach and advise whether the breach needs to be reported to the ICO.

If the breach is likely to be a risk to the people's rights and freedoms, the **DPO** will notify the ICO.

Where a breach is likely to result in a high risk to people's rights and freedoms, the **Data Protection Lead** will promptly inform, in writing, all individuals whose personal data has been breached. This notification will include:

- 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 **Data Protection Lead** will notify any relevant third parties who can help mitigate the loss to individuals – for example, the police, insurers, banks or credit card companies.
- The **Data Protection Lead** will document each breach, irrespective of whether it is reported to the ICO and ensure a record is kept in the Data Breach Register.

7. Actions to minimise the impact of data breaches

The type of action we might take will depend on the nature of the breach, but could include (this list is not exhaustive):

- Attempting to recover lost equipment
- Remotely wiping electronic devices
- Using of back-ups to restore lost/damaged/stolen data
- Changing entry codes or IT system passwords
- Attempting to recall emails containing personal information that are sent to unauthorised individuals
- Requesting personal data received in error is deleted and written confirmation is provided that the information has been deleted, and not shared, published, saved, or replicated in any way
- Carrying out internet searches to check information hasn't been made public. If it has, asking the publisher/website owner/administrator to remove and destroy the information
- Briefing staff in case of phishing enquiries for further information on affected individuals
- Notifying the Local Authority.

We will review the effectiveness of any actions taken and amend them as necessary after any data breach. This may include establishing more robust policies and procedures or providing further training for staff.

8. Accountability and Record Keeping

We record all breaches of personal data regardless of whether they are reported to the ICO. This helps us demonstrate our compliance with the GDPR under its principle of accountability. It also ensures we have records should the ICO wish to see them.

Our data breach register includes:

- Summary of the facts:
 - including the types and amount of personal data involved
 - details of the cause of the breach and impact on the individuals whose data is involved
- Actions taken to contain the breach as well as mitigate its possible adverse effects
- Any actions taken to prevent future breaches.

Appendix 2: Appropriate Policy Document



Appropriate Policy Document – Propeller Academy Trust

1. Introduction and Background

This document covers our processing of special categories of personal data and criminal offence data.

To carry out our official functions as a trust, we process special category data and criminal offence data in accordance with the requirements of Article 9 and 10 of the General Data Protection Regulation (GDPR), and Schedule 1 of the UK's Data Protection Act 2018 (UK DPA 2018).

Some of the Schedule 1 conditions for processing special category and criminal offence data in the UK DPA 2018 require us to have an Appropriate Policy Document in place.

Our Appropriate Policy Document (page 4) sets out our compliance measures with the GDPR principles (Article 5), as well as our retention procedures for special category data.

2. Definitions

Under Article 9 of the GDPR **special category data** is defined as personal data that reveals:

- Racial or ethnic origin
- Political opinions
- Religious or philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data for the purpose of uniquely identifying a natural person
- Data concerning health
- Data concerning a natural person's sex life or sexual orientation.

Article 10 of the GDPR covers processing in relation to **criminal convictions and offences** or related security measures. In addition, section 11(2) of the UK DPA 2018 specifically confirms that this includes personal data relating to the alleged commission of offences, or proceedings for an offence committed, or alleged to have been committed, including sentencing. This is collectively referred to as '**criminal offence data**'.

3. GDPR conditions for processing special category and criminal offence data

We process **special categories of personal data** under the following GDPR Articles:

- a. Article 9(2)(b) – where processing is necessary for fulfilling our obligations or those of data subjects, in connection with employment, social security or social protection.

Examples of our processing include checking if individuals are entitled to work in the UK and maintaining records of statutory sick pay and maternity pay.

b. Article 9(2)(g) - reasons of substantial public interest.

We have a statutory duty to safeguard and promote the welfare of all our pupils. This is set out in the statutory guidance:

- Keeping Children Safe in Education, issued under Section 175 of the Education Act 2002
- Working Together to Safeguard Children, issued under Section 11 of the Children Act 2004.

Examples of our processing include carrying out pre-employment checks, managing allegations of abuse against staff and referring suspected cases of abuse to children's social care.

The Equality Act 2010 requires us to have due regard to the need to eliminate discrimination, harassment, and victimisation; advance equality of opportunity and foster good relations.

Examples of our processing include reviewing attainment data to ensure our educational policies and procedures do not lead to indirect discrimination.

c. Article 9(2)(f) – for the establishment, exercise, or defence of legal claims.

Examples of our processing include processing relating to any employment tribunal or other litigation.

d. Article 9(2)(a) – explicit consent.

In circumstances where we seek consent, we make sure that the consent is unambiguous and for one or more specified purposes; that it is given by an affirmative action and is recorded as the condition for processing.

Examples of our processing includes pupils' medical information we receive from parents which allows us to administer medicines during the school day.

e. Article 9(2)(c) – where processing is necessary to protect the vital interests of the data subject or of another natural person.

An example of our processing would be using health information about a member of staff in a medical emergency.

We process **criminal offence data** under Article 10 of the GDPR.

Examples of our processing of criminal offence data include pre-employment checks and declarations by an employee in line with contractual obligations.

Our Appropriate Policy Document

Almost all of the substantial public interest conditions in Schedule 1, Part 2 of the UK DPA 2018, plus the condition for processing employment, social security and social protection data, require an Appropriate Policy Document (this is set out in Schedule 1, paragraphs 1 and 5).

This Appropriate Policy Document demonstrates that our processing of special category and criminal offence data based on these specific Schedule 1 conditions is compliant with the requirements of the GDPR Article 5 principles. In particular, it outlines our retention procedures with respect to this data.

Description of data processed

We process the special category data about our employees that is necessary to fulfil our **obligations as an employer**. This includes information about their health and wellbeing, ethnicity, and their membership of any trade union. Further information about this processing can be found in our staff, governors, and volunteers privacy notice

<https://www.propellertrust.org/page/?title=GDPR+and+KCSIE&pid=24>

Our processing for reasons of **substantial public interest** relates to the data we receive or obtain in order to safeguard the children in our care, as well as ensure equality of opportunity and treatment for everyone in our trust.

Further information about this processing can be found in our privacy notices.

We also maintain a record of our processing activities in accordance with Article 30 of the GDPR.

UK DPA 2018 Schedule 1 additional conditions for processing special category and criminal offence data

Section 10 of the UK DPA 2018 requires us to meet one of the additional conditions in Schedule 1 when we are processing special category data and relying on a GDPR condition, which requires authorisation by law, or a basis in law.

We process special category data for the following purposes in Part 1 of Schedule 1:

Paragraph 1(1) employment, social security, and social protection.

We process special category data for the following purposes in Part 2 of Schedule 1:

Paragraph 8 - equality of opportunity or treatment.

Paragraph 18 - safeguarding of children and of individuals at risk.

Criminal offence data

We process criminal offence data for the following purposes in Parts 1 and 2 of Schedule 1:

Paragraph 1 – employment, social security, and social protection.

Paragraph 6(2)(a) – statutory, etc. purposes.

Procedures for ensuring compliance with the GDPR principles

Accountability principle

We have put in place appropriate technical and organisational measures to meet the requirements of accountability. These include:

- The appointment of a data protection officer who reports directly to our highest management level
- Taking a 'data protection by design and default' approach to our activities
- Maintaining documentation of our processing activities
- Adopting and implementing data protection policies
- Ensuring we have written contracts in place with our data processors
- Implementing appropriate security measures in relation to the personal data we process
- Carrying out data protection impact assessments for our high-risk processing.

We regularly review our accountability measures and update or amend them when required.

Principle (a): lawfulness, fairness, and transparency

Processing personal data must be lawful, fair, and transparent.

The processing of special category data that requires being authorised by law or has a basis in law, is lawful if the data subject has given their consent or the processing meets at least one of the conditions in Schedule 1 of the UK's DPA 2018.

We provide clear and transparent information about why we process personal data, including our lawful basis for processing in our privacy notices and this policy document.

Our processing of special category data for the purposes of substantial public interest is necessary for us to fulfil our statutory duty to safeguard and promote the welfare of all our pupils. This is under Section 175 of the Education Act and Section 11 of the Children Act 2004.

We also process special category data to comply with our obligations under the Equality Act 2010 to have due regard to the need to advance equality of opportunity and eliminate discrimination.

Our processing for the purposes of employment relates to our obligations as an employer under a number of employment laws, such as The Employment Rights Act 1996 and the Employment Act 2002.

Principle (b): purpose limitation

We process personal data for purposes of substantial public interest as explained above when the processing is necessary for us to fulfil our statutory functions. This includes where it is necessary to assist another to comply with their statutory requirements to safeguard and promote the welfare of children.

We process personal data for the purposes of employment as explained above and in our staff privacy notice.

We are authorised by law to process personal data for these purposes. We may process personal data collected for these purposes (whether by us or another controller), providing the processing is necessary and proportionate to that purpose.

If we are sharing data with another controller, we will document that they are authorised by law to process the data for their purpose.

We will not process personal data for purposes incompatible with the original purpose it was collected for.

Principle (c): data minimisation

We collect personal data necessary for the relevant purposes and ensure it is not excessive. The information we process is necessary for and proportionate to our purposes. Where personal data is provided to us or obtained by us, but is not relevant to our stated purposes, we will erase it.

Principle (d): accuracy

Where we become aware that personal data is inaccurate or out of date, having regard to the purpose for which it is being processed, we will take every reasonable step to ensure that data is erased or rectified without delay. If we decide not to either erase or rectify it; for example, because the lawful basis we rely on to process the data means these rights don't apply, we will document our decision.

Principle (e): storage limitation

All special category data processed by us for the purpose of employment or substantial public interest is retained for the periods set out in our retention schedule, unless retained longer for archiving purposes.

We determine the retention period for this data based on our legal obligations and the necessity of its retention for our trust's needs. Our retention schedule is reviewed regularly and updated when necessary.

Principle (f): integrity and confidentiality (security)

Electronic information is processed within our secure network and we follow the National Cyber Security's '10 Steps to Cyber Security'. Hard copy information is processed in line with our security procedures set out in our Data Protection Policy.

Our electronic systems and physical storage have appropriate access controls applied.

The systems we use to process personal data allow us to erase or update personal data at any point in time where appropriate.

Data Retention and Erasure

Our retention and erasure practices are set out in our retention schedule

Review date

This document will be retained for the duration of our processing and for a minimum of 6 months after processing ceases.

It will be reviewed annually or revised more frequently if necessary.

Appendix 3: Data protection complaints form

If you believe that your rights under the UK General Data Protection Regulation (UK GDPR) or the Data Protection Act 2018 have been breached or impeded, please contact the trust's data protection lead (DPL), Ellie Danby, at dpl@propellertrust.org.

This form has been put in place to support the efficient and effective processing of your complaint. However, we welcome complaints through any of the following methods:

- **Electronic Form:** Complete the dedicated form available on our website at <https://www.thepropelleracademytrust.org.uk/page/?title=GDPR&pid=24>
- **Email:** Send details of your complaint to the dpl@propellertrust.org.
- **Post:** Write to DPL, Fitzwaryn School, Denchworth Road, Wantage, Oxfordshire, OX12 9ET
- **Verbally:** You can raise your complaint with a member of staff who will log it formally.

We endeavour to address any data protection complaints informally, however, if you are not satisfied with the response received, you have the statutory right under the Data (Use and Access) Act 2025 to raise a formal complaint with us.

Our commitment: We are legally obliged to facilitate this process, acknowledge your complaint within 30 days of receipt, and take the appropriate steps to investigate your concern without undue delay. We will keep you informed of our progress and provide you with a clear outcome once our investigation is complete.

Next steps: If you are not satisfied with our final response, you have the right to escalate your complaint to the Information Commissioners Office (ICO) for an independent review. You can find more information about this on the ICO's website <https://ico.uk/make-a-complaint/>.

Full name:

.....

Preferred communication method:

/	✓
Phone	
Email	
Post	

Phone (required):

.....

Email (required):

.....

Address (optional – only enter this information if your preferred communication method is post):

.....

Relationship to the trust/school:

/	✓
Job applicants	
Members, Trustees, and governors	
Parents and carers	
Pupils	
Staff	
Other (please specify)	

Which school/department does your complaint relate to?

/	✓
Fitzwaryn School	
Kingfisher School	
Bishopswood School	
Hawthorn Academy	
Woodeaton Manor School	
Trust Central Functions	

Are you complaining on behalf of someone else?

/	✓
Myself	
Someone else	

If complaining on behalf of someone else, please state the name of the individual

.....

If complaining on behalf of someone else, please state the nature of your relationship with them

.....

Please outline the nature of your complaint:

.....

.....

.....

.....

What is your desired outcome of the complaint?

.....

.....

.....
Please note that we may, if we cannot reasonably verify your identity, request up to two forms of identification before proceeding with your complaint.

If the complaint is on behalf of someone else, such as a pupil, we may need to verify your entitlement to make the complaint on their behalf (e.g. a birth certificate, other proof of parental responsibility, or written consent). If it is deemed that the individual can understand their data protection rights, we may first go to them to gain their consent/to discuss the complaint with them before proceeding with the investigation.

By returning this form, I confirm that the information provided is accurate to the best of my knowledge and that where I act on behalf of another individual, I am entitled to do so.

Signed:

.....

Dated:

.....