



## DATA PROTECTION POLICY

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| <b>REFERENCE:</b>     | V01 – 09/2025             |
| <b>OWNERSHIP:</b>     | AP Lead                   |
| <b>AUTHORISED BY:</b> | Emma Draper (Director)    |
| <b>REVIEW:</b>        | Annually – September 2026 |

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### PURPOSE

Churchwood Forest School AP outlines our commitment to the law and places high importance on the correct, lawful, and fair handling of all personal data, respecting the legal rights, privacy, and trust of all individuals with whom it deals.

### SCOPE

This policy applies to the personal data of job applicants, existing and former employees, apprentices, volunteers, placement students, workers and self-employed contractors. These are referred to in this policy as relevant individuals. This policy does not form part of any employee's contract of employment and Churchwood Forest School AP may amend it at any time.

### DEFINITIONS

**“Personal data”** is information that relates to an identifiable person who can be directly or indirectly identified from that information, for example, a person's name, identification number, location, online identifier. It can also include pseudonymised data.

**“Special categories of personal data”** is data which relates to an individual's health, sex life, sexual orientation, race, ethnic origin, political opinion, religion, and trade union membership. It also includes genetic and biometric data (where used for ID purposes).

**“Criminal offence data”** is data which relates to an individual's criminal convictions and offences. DBS information (criminal offence data): Churchwood Forest School AP does not retain copies of DBS certificates. We record the date, type/level, and DBS certificate number/unique reference, plus the decision/outcome. If, exceptionally, a copy is held, it is kept for no longer than 6 months and then securely destroyed (see Safer Recruitment Policy).

**“Data processing”** is any operation or set of operations which is performed on personal data or



on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

“Lawful bases” Our main lawful bases are contract (Article 6(1)(b)), legitimate interests (6(1)(f)), legal obligation (6(1)(c)) and vital interests (6(1)(d)) where applicable. For special category data we rely on Article 9 conditions (e.g., vital interests, health or social care, and substantial public interest—including safeguarding of children under DPA 2018 Sch.1). Criminal offence data processing follows Article 10 and DPA 2018 with an Appropriate Policy Document (APD) in place.

## **POLICY**

### **TYPES OF DATA HELD**

Personal data is held across HR, safeguarding, education delivery, welfare, IT/security (e.g. filtering/monitoring logs) and supplier management systems, as recorded in our Record of Processing Activities (ROPA, Article 30). The following types of data may be held by Churchwood Forest School AP, as appropriate, on relevant individuals:

- a) Name, address, phone numbers - for individual and next of kin
- b) CVs and other information gathered during recruitment
- c) References from former employers
- d) National Insurance numbers
- e) Job title, job descriptions and pay grades
- f) Conduct issues such as letters of concern, disciplinary proceedings
- g) Holiday records
- h) Internal performance information
- i) Medical or health information
- j) Sickness absence records
- k) Tax codes
- l) Terms and conditions of employment
- m) Training details

Relevant individuals should refer to our Privacy Notice for more information on the reasons for its processing activities, the lawful bases it relies on for the processing and data retention periods.



The ROPA lists purposes, lawful bases, recipients/sharing (including commissioning schools/LAs), international transfers, and retention periods for each processing activity.

### **DATA PROTECTION PRINCIPLES**

All personal data obtained and held by Churchwood Forest School AP will:

- a) Be processed fairly, lawfully and in a transparent manner
- b) Be collected for specific, explicit, and legitimate purposes
- c) Be adequate, relevant and limited to what is necessary for the purposes of processing
- d) Be kept accurate and up to date. Every reasonable effort will be made to ensure that inaccurate data is rectified or erased without delay
- e) Not be kept for longer than is necessary for its given purpose
- f) Be processed in a manner that ensures appropriate security of personal data including protection against unauthorised or unlawful processing, accidental loss, destruction or damage by using appropriate technical or organisation measures
- g) Comply with GDPR Chapter V requirements for international transfers (e.g., IDTA or ICO Addendum to SCCs) and ensure transfer risk assessments and appropriate safeguards.

In addition, personal data will be processed in recognition of an individuals' data protection rights, as follows:

- a) The right to be informed
- b) The right of access
- c) The right for any inaccuracies to be corrected (rectification)
- d) The right to have information deleted (erasure)
- e) The right to restrict the processing of the data
- f) The right to portability
- g) The right to object to the inclusion of any information
- h) The right to regulate any automated decision-making and profiling of personal data
- i)

### **PROCEDURES**

Churchwood Forest School AP has taken the following steps to protect the personal data of relevant individuals, which it holds or to which it has access:

- a) It assigns clear responsibilities to the Data Protection Officer (DPO), Information Asset Owners and system leads. Churchwood Forest School AP (as controller) ensures



oversight of processing, review/audit of controls, and data integrity.

- b) It maintains an Article 30 ROPA, conducts Data Protection Impact Assessments (DPIAs) for high-risk processing (e.g., filtering/monitoring, CCTV, biometrics or new platforms), and holds an Appropriate Policy Document (APD) for special category/criminal offence data.

There are clear lines of responsibility and accountability for these different roles.

- a) It provides information to its employees on their data protection rights, how it uses their personal data, and how it protects it. The information includes the actions relevant individuals can take if they think that their data has been compromised in any way
- b) It provides its employees with information and training to make them aware of the importance of protecting personal data, to teach them how to do this, and to understand how to treat information confidentially
- c) It documents sources, recipients (including commissioning schools/LAs, safeguarding partners and processors), retention and security measures in the ROPA
- d) It carries out risk assessments as part of its reviewing activities to identify any vulnerabilities in its personal data handling and processing, and to take measures to reduce the risks of mishandling and potential breaches of data security. The procedure includes an assessment of the impact of both use and potential misuse of personal data in and by Churchwood Forest School AP
- e) It recognises the importance of seeking individuals' consent for obtaining, recording, using, sharing, storing and retaining their personal data, and regularly reviews its procedures for doing so, including the audit trails that are needed and are followed for all consent decisions. Churchwood Forest School AP understands that consent must be freely given, specific, informed and unambiguous. Churchwood Forest School AP will seek consent on a specific and individual basis where appropriate. Full information will be given regarding the activities about which consent is sought. Relevant individuals have the absolute and unimpeded right to withdraw that consent at any time
- f) It has the appropriate mechanisms for detecting, reporting and investigating suspected or actual personal data breaches, including security breaches. It is aware of its duty to assess breaches and notify the ICO within 72 hours where a breach is unlikely to result in risk to individuals - no notification; likely risk - ICO notification (72h); high risk - notify affected individuals without undue delay, and is aware of the possible consequences



- g) It is aware of the implications international transfer of personal data internationally

## **ACCESS TO DATA**

Relevant individuals have a right to be informed whether we process personal data relating to them and to access the data that we hold about them. Requests for access to this data will be dealt with under the following summary guidelines:

- a) A subject access request must be made in writing to the Data Protection Officer.
- b) We verify identity (and authority, where the requester acts for someone else). For requests relating to a child, we consider the child's capacity and best interests, and may provide data directly to the child where appropriate.
- c) We will not charge for the supply of data unless the request is manifestly unfounded, excessive or repetitive, or unless a request is made for duplicate copies to be provided to parties other than the employee making the request
- d) We will respond to a request without delay. Access to data will be provided, subject to legally permitted exemptions, within one month as a maximum. This may be extended by a further two months where requests are complex or numerous
- e) We maintain a SAR log and apply statutory exemptions where applicable (e.g., safeguarding, third-party data, legal privilege), explaining the rationale in writing.

Relevant individuals must inform Churchwood Forest School AP immediately if they believe that the data is inaccurate, either as a result of a subject access request or otherwise. We will take immediate steps to rectify the information.

## **DATA DISCLOSURES**

Churchwood Forest School AP may be required to disclose certain data/information to any person. The circumstances leading to such disclosures include:

- a) Commissioning schools/LAs (for attendance, safeguarding and education planning in line with placement agreements)
- b) Police, children's social care and safeguarding partners (where legally justified)
- c) Any employee benefits operated by third parties
- d) Disabled individuals - whether any reasonable adjustments are required to assist them at work



- e) Individuals' health data - to comply with health and safety or occupational health obligations towards the employee
- f) For Statutory Sick Pay purposes
- g) HR management and administration - to consider how an individual's health affects his or her ability to do their job
- h) The smooth operation of any employee insurance policies or pension plans

Disclosures are made only where necessary and proportionate, with a recorded lawful basis and special category/criminal data condition where relevant.

## **DATA SECURITY**

Churchwood Forest School AP adopts procedures designed to maintain the security of data when it is stored and transported. In addition, employees must:

- a) Apply role-based access, strong authentication (e.g., MFA), encryption in transit/at rest, secure configuration and patching, and logging/monitoring for key systems
- b) Ensure that all files or written information of a confidential nature are stored in a secure manner and are only accessed by people who have a need and a right to access them
- c) Ensure that all files or written information of a confidential nature are not left where they can be read by unauthorised people
- d) Refrain from sending emails containing sensitive work-related information to their personal email address
- e) Check regularly on the accuracy of data being entered into computers
- f) Always use the passwords provided to access the computer system and not abuse them by passing them on to people who should not have them
- g) Use computer screen blanking to ensure that personal data is not left on screen when not in use

Portable media and local device storage are prohibited unless business-critical and authorised; where authorised, use full-disk/device encryption, centrally managed endpoints and secure transfer. Personal email/cloud storage must not be used.

Complete DPIAs for high-risk tools (e.g., filtering/monitoring, CCTV, biometrics); ensure processor contracts include GDPR Article 28 clauses.



Failure to follow our rules on data security may be dealt with via Churchwood Forest School AP's disciplinary procedure. Appropriate sanctions include dismissal with or without notice dependent on the severity of the failure.

## **INTERNATIONAL DATA TRANSFERS**

Where personal data is transferred outside the /EEA (e.g., cloud service providers or support teams located overseas), Churchwood Forest School AP will use appropriate safeguards (e.g., IDTA or ICO Addendum to SCCs), complete transfer risk assessments, and implement technical/organisational measures (e.g., encryption, access controls). Transfers and vendors are listed in the ROPA/vendor register.

## **BREACH NOTIFICATION**

Where a data breach is likely to result in a risk to the rights and freedoms of individuals, it will be reported to The Information Commissioner within 72 hours of Churchwood Forest School AP becoming aware of it and may be reported in more than one instalment. All breaches are logged with facts, effects and remedial actions; where full details are unavailable at 72 hours, we submit an initial ICO notification and follow up.

Individuals will be informed directly in the event that the breach is likely to result in a high risk to the rights and freedoms of that individual.

If the breach is sufficient to warrant notification to the public, we will do so without undue delay.

## **TRAINING**

New employees must read and understand the policies on data protection as part of their induction.

All employees receive training covering basic information about confidentiality, data protection and the actions to take upon identifying a potential data breach.

The nominated data controller/auditors/protection officers for Churchwood Forest School AP are trained appropriately in their roles under data protection legislation.

All employees who need to use the computer system are trained to protect individuals' private



data, to ensure data security, and to understand the consequences to them as individuals and Churchwood Forest School AP of any potential lapses and breaches of Churchwood Forest School AP's policies and procedures.

## **RECORDS**

Churchwood Forest School AP keeps records of its processing activities including purposes, lawful bases, categories, recipients, transfers and retention across all functions (HR, safeguarding, education delivery, IT/security) in an Article 30 ROPA. These records will be kept up to date so that they reflect current processing activities.

## **DATA PROTECTION OFFICER**

Our Data Protection Officer is [insert name and role]. They can be contacted via email at [insert here/ ideally functional email ie dpo@Churchwood Forest School AP ]. All rights requests and incidents must be reported to the DPO immediately.

## **THIRD PARTIES**

Churchwood Forest School AP may at any time engage with a third party for support and expertise regarding actions relating to this policy.



## POLICY CONTEXT

AP context (non-school AP): Churchwood Forest School AP operates as a non-school Alternative Provision (AP). Commissioning schools/LAs retain statutory responsibilities for admissions/attendance registers and exclusions; Churchwood Forest School AP shares same-day safeguarding and attendance information with the commissioner to enable those duties.

Controller interface: Churchwood Forest School AP is a data controller for its operations; for placements we share data controller-to-controller with the commissioning school/LA under documented data-sharing arrangements.

This policy relates to the following legislative requirements, standards and internal documents:

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Standards</b>                     | <ul style="list-style-type: none"> <li>• Data Protection Act 2018</li> <li>• General Data Protection Regulation ( GDPR)</li> <li>• Digital Economy Act 2017</li> <li>• Human Rights Act 1998</li> <li>• Statistics and Registration Services Act 2007</li> <li>• Privacy and Electronic Communications Regulations (PECR) 2003 (for electronic communications/cookies, where applicable).</li> </ul> <p>Note: FOIA/EIR do not generally apply to Churchwood Forest School AP as a private organisation; disclosures may still be required under GDPR/DPA 2018, contracts or law enforcement.</p> <ul style="list-style-type: none"> <li>• </li> <li>• </li> <li>• </li> <li>• </li> <li>• </li> </ul> |
| <b>Related Forms &amp; Documents</b> | <ul style="list-style-type: none"> <li>• Contract of Employment</li> <li>• Disciplinary Policy</li> <li>• Privacy Notice</li> </ul> <ul style="list-style-type: none"> <li>• </li> <li>• </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## VERSION CONTROL

| Version | Date | Change Summary | Author/Reviewer | Approved by: |
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|---|---------|---------|--|--|
| 1 | 09/2025 | Initial |  |  |
| 2 |         |         |  |  |
| 3 |         |         |  |  |