Highcliffe School

Online Safety Policy

Contents

Development/Monitoring/Review of this Policy

This online safety policy has been developed and reviewed by:

- Senior Leaders
- Online Safety Officer/Coordinator
- Governors/Board

The school will monitor the impact of the policy using:

- Logs of reported incidents
- Monitoring logs of internet activity (including sites visited)/filtering
- Internal monitoring data for network activity
- Surveys/questionnaires of
    - students
    - parents/carers
    - staff

Scope of the Policy

This policy applies to all members of the school (including staff, students, volunteers, parents/carers, visitors, community users) who have access to and are users of school digital technology systems, both in and out of the school premises.

The Education and Inspections Act 2006 empowers Headteachers/Principals to such extent as is reasonable, to regulate the behaviour of students when they are off the school site and empowers members of staff to impose disciplinary penalties for inappropriate behaviour. This is pertinent to incidents of online-bullying or other online safety incidents covered by this policy, which may take place outside of the school, but is linked to membership of the school. The 2011 Education Act increased these powers with regard to the searching for and of electronic devices and the deletion of data. In the case of both acts, action can only be taken over issues covered by the published Behaviour Policy.

The school will deal with such incidents within this policy and associated behaviour and anti-bullying policies and will, where known, inform parents/carers of incidents of inappropriate online safety behaviour that take place out of school.

Roles and Responsibilities

The following section outlines the online safety roles and responsibilities of individuals and groups within the school.

Governors/Board of Directors

Governors are responsible for the approval of the online safety policy and for reviewing the effectiveness of the policy. A member of the Governing Body has taken on the role of *Online Safety Governor* as part of the safeguarding link role.

Headteacher and Senior Leaders

- The *Headteacher* has a duty of care for ensuring the safety (including online safety) of members of the school community, though the day to day responsibility for online safety will be delegated to the Online Safety Lead.
- The Headteacher and (at least) another member of the Senior Leadership Team should be aware of the procedures to be followed in the event of a serious online safety allegation being made against a member of staff. (see flow chart on dealing with online safety incidents – included in a later section – "Responding to

incidents of misuse" and relevant Local Authority/MAT/other relevant body disciplinary procedures). Online Safety BOOST includes an 'Incident Response Tool' that outlines the steps (and forms to complete) any staff facing an issue, disclosure or report, need to follow. More information is available at: https://boost.swgfl.org.uk/

- The Headteacher and Senior Leaders are responsible for ensuring that the Online Safety Lead and other relevant staff receive suitable training to enable them to carry out their online safety roles and to train other colleagues, as relevant. Online Safety BOOST includes access to unlimited online webinar training – further details are at https://boost.swgfl.org.uk/
- The Headteacher and Senior Leaders will ensure that there is a system in place to allow for monitoring and support of those in school who carry out the internal online safety monitoring role. This is to provide a safety net and also support to those colleagues who take on important monitoring roles.

Online Safety Lead

- takes day to day responsibility for online safety issues and has a leading role in establishing and reviewing the school online safety policies/documents
- ensures that all staff are aware of the procedures that need to be followed in the event of an online safety incident taking place.
- provides training and advice for staff
- liaises with the Local Authority/MAT/relevant body
- liaises with school technical staff
- attends relevant meetings of *Governors/Directors*
- reports to Senior Leadership Team regarding any significant incidents.

Systems Manager/Technical staff

Those with technical responsibilities are responsible for ensuring:

- that the *school's* technical infrastructure is secure and is not open to misuse or malicious attack
- that the school meets required online safety technical requirements and any Local Authority/MAT/other relevant body online safety policy/guidance that may apply.
- that users may only access the networks and devices through a properly enforced password protection policy
- the filtering policy is applied and updated on a regular basis and that its implementation is not the sole responsibility of any single person
- that they keep up to date with online safety technical information in order to effectively carry out their online safety role and to inform and update others as relevant
- that the use of the networks/internet/digital technologies is regularly monitored in order that any misuse/attempted misuse can be reported to the Headteacher and Senior Leaders; Online Safety Lead
- that monitoring software/systems are implemented and updated as agreed in school policies

Teaching and Support Staff

Are responsible for ensuring that:

- they have an up to date awareness of online safety matters and of the current *school* online safety policy and practices
- they have read, understood and signed the staff acceptable use policy/agreement (AUP/AUA)
- they report any suspected misuse or problem to the *Headteacher/Senior Leader/Online Safety Lead* for investigation/action/sanction
- all digital communications with students/parents/carers should be on a professional level *and only carried out using official school systems*
- online safety issues are embedded across the curriculum and other activities
- students understand and follow the Online Safety Policy and acceptable use policies

- students have a good understanding of research skills and the need to avoid plagiarism and uphold copyright regulations
- they monitor the use of digital technologies, mobile devices, cameras, etc. in lessons and other school activities (where allowed) and implement current policies with regard to these devices

Designated Safeguarding Lead/Designated Person/Officer

Should be trained in online safety issues and be aware of the potential for serious child protection/safeguarding issues to arise from:

- sharing of personal data
- access to illegal/inappropriate materials
- inappropriate on-line contact with adults/strangers
- potential or actual incidents of grooming
- online-bullying

Students:

- are responsible for using the *school* digital technology systems in accordance with the students /pupil acceptable use agreement
- have a good understanding of research skills and the need to avoid plagiarism and uphold copyright regulations
- need to understand the importance of reporting abuse, misuse or access to inappropriate materials and know how to do so
- will be expected to know and understand policies on the use of mobile devices and digital cameras. They should also know and understand policies on the taking/use of images and on online-bullying.
- should understand the importance of adopting good online safety practice when using digital technologies out of school and realise that the *school's/academy's* online safety policy covers their actions out of school, if related to their membership of the school

Parents/carers

Parents/carers play a crucial role in ensuring that their children understand the need to use the internet/mobile devices in an appropriate way. The *school* will take every opportunity to help parents understand these issues through *parents' evenings, newsletters, letters, website, social media and information about national/local online safety campaigns/literature*. Parents and carers will be encouraged to support the *school* in promoting good online safety practice and to follow guidelines on the appropriate use of:

- digital and video images taken at school events
- access to parents' sections of the website/Learning Platform and on-line students /pupil records
- *their children's personal devices in the school (where this is allowed)*

Community Users

Community Users who access school systems or programmes as part of the wider *school* provision will be expected to sign a Community User AUA before being provided with access to school systems.

Policy Statements

4'C's Principals

The Keeping Children Safe in Education 2021 document makes it clear that the 4'Cs should be the main areas covered in educating and keeping children safe in an online world.

'Content: being exposed to illegal, inappropriate or harmful content, for example: pornography, fake news, racism, misogyny, self-harm, suicide, anti-Semitism, radicalisation and extremism' (KCSIE 2021).

'Contact: being subjected to harmful online interaction with other users; for example: peer to peer pressure, commercial advertising and adults posing as children or young adults with the intention to groom or exploit them for sexual, criminal, financial or other purposes' (KCSIE 2021).

'Conduct: personal online behaviour that increases the likelihood of, or causes, harm; for example, making, sending and receiving explicit images (e.g consensual and non-consensual sharing of nudes and semi-nudes and/or pornography, sharing other explicit images and online bullying' (KCSIE 2021).

'Commerce: risks such as online gambling, inappropriate advertising, phishing and or financial scams' (KCSIE 2021).

This school policy aims to cover these principals by educating and protecting stduents.

Education – Students

Whilst regulation and technical solutions are very important, their use must be balanced by educating *students* to take a responsible approach. The education of *students* in online safety/digital literacy is therefore an essential part of the school's/academy's online safety provision. Children and young people need the help and support of the school to recognise and avoid online safety risks and build their resilience.

Online safety should be a focus in all areas of the curriculum and staff should reinforce online safety messages across the curriculum. The online safety curriculum should be broad, relevant and provide progression, with opportunities for creative activities and will be provided in the following ways:

A planned online safety curriculum should be provided as part of Computing/PHSE/other lessons and should be regularly revisited

- Key online safety messages should be reinforced as part of a planned programme of assemblies and tutorial/pastoral activities
- Students should be taught in all lessons to be critically aware of the materials/content they access on-line and be guided to validate the accuracy of information.
- Students should be taught to acknowledge the source of information used and to respect copyright when using material accessed on the internet
- Students should be supported in building resilience to radicalisation by providing a safe environment for debating controversial issues and helping them to understand how they can influence and participate in decision-making.
- Student should be helped to understand the need for the students /pupil acceptable use agreement and encouraged to adopt safe and responsible use both within and outside school.
- Staff should act as good role models in their use of digital technologies, the internet and mobile devices
- in lessons where internet use is pre-planned, it is best practice that students should be guided to sites checked as suitable for their use and that processes are in place for dealing with any unsuitable material that is found in internet searches.
- Where students are allowed to freely search the internet, staff should be vigilant in monitoring the content of the websites the young people visit.
- It is accepted that from time to time, for good educational reasons, students may need to research topics (e.g. racism, drugs, discrimination) that would normally result in internet searches being blocked. In such a situation, staff can request that the Technical Staff (or other relevant designated person) can temporarily remove those sites from the filtered list for the period of study. Any request to do so, should be auditable, with clear reasons for the need.

Education – Parents/carers

Many parents and carers have only a limited understanding of online safety risks and issues, yet they play an essential role in the education of their children and in the monitoring/regulation of the children's online behaviours. Parents may underestimate how often children and young people come across potentially harmful and inappropriate material on the internet and may be unsure about how to respond.

The school will therefore seek to provide information and awareness to parents and carers through:

- Letters, newsletters, web site, Learning Platform
- Parents/carers evenings/sessions
- High profile events/campaigns e.g. Safer Internet Day
- Reference to the relevant web sites/publications e.g. swgfl.org.uk, www.saferinternet.org.uk/,

Education – The Wider Community

The school will provide opportunities for local community groups/members of the community to gain from the school's/academy's online safety knowledge and experience. This may be offered through the following:

- Providing family learning courses in use of new digital technologies, digital literacy and online safety
- Online safety messages targeted towards grandparents and other relatives as well as parents.
- The school website will provide online safety information for the wider community
- Sharing their online safety expertise/good practice with other local schools

Education & Training – Staff/Volunteers

It is essential that all staff receive online safety training and understand their responsibilities, as outlined in this policy. Training will be offered as follows:

- A planned programme of formal online safety training will be made available to staff. This will be regularly updated and reinforced. An audit of the online safety training needs of all staff will be carried out regularly.
- All new staff should receive online safety training as part of their induction programme, ensuring that they fully understand the school online safety policy and acceptable use agreements.
- The Online Safety Lead (or other nominated person) will receive regular updates through attendance at external training events
- The Online Safety Lead (or other nominated person) will provide advice/guidance/training to individuals as required. Training – Governors/Directors

Governors/Directors should take part in online safety training/awareness sessions, with particular importance for those who are members of any group involved in technology/online safety/health and safety /safeguarding. This may be offered in a number of ways:

- Attendance at training provided by the Local Authority/MAT/National Governors Association/or other relevant organisation (e.g. SWGfL).
- Participation in school training/information sessions for staff or parents (this may include attendance at assemblies/lessons).

Technical – infrastructure/equipment, filtering and monitoring

The school will be responsible for ensuring that the school infrastructure/network is as safe and secure as is reasonably possible and that policies and procedures approved within this policy are implemented. It will also need to ensure that the relevant people named in the above sections will be effective in carrying out their online safety responsibilities:

- School technical systems will be managed in ways that ensure that the school meets recommended technical requirements

- Servers, wireless systems and cabling must be securely located and physical access restricted
- All users will have clearly defined access rights to school technical systems and devices.
- All users will be provided with a username and secure password. Users are responsible for the security of their username and password.
- The "master/administrator" passwords for the school systems, used by the Systems Manager (or other person) must also be available to the *Headteacher* or other nominated senior leader and kept in a secure place (e.g. school safe)
- Internet access is filtered for all users. Illegal content (child sexual abuse images) is filtered by the broadband or filtering provider by actively employing the Internet Watch Foundation CAIC list. Content lists are regularly updated and internet use is logged and regularly monitored. There is a clear process in place to deal with requests for filtering changes
- Internet filtering/monitoring should ensure that children are safe from terrorist and extremist material when accessing the internet.
- Appropriate security measures are in place to protect the servers, firewalls, routers, wireless systems, work stations, mobile devices, etc. from accidental or malicious attempts which might threaten the security of the school systems and data. These are tested regularly. The school infrastructure and individual devices are protected by up to date virus software.

Mobile Technologies (including BYOD/BYOT)

Mobile technology devices may be school owned/provided or personally owned and might include: smartphone, tablet, notebook/laptop or other technology that usually has the capability of utilising the school's wireless network. The device then has access to the wider internet which may include the school's learning platform and other cloud based services such as email and data storage.

All users should understand that the primary purpose of the use mobile/personal devices in a school context is educational. The mobile technologies policy should be consistent with and inter-related to other relevant school polices including but not limited to the safeguarding policy, behaviour policy, bullying policy, acceptable use policy, and policies around theft or malicious damage. Teaching about the safe and appropriate use of mobile technologies should be an integral part of the school's online safety education programme.

- The school acceptable use agreements for staff, pupils/students and parents/carers will give consideration to the use of mobile technologies

- The school allows:

	School Devices			Personal Devices		
	School owned for single user	School owned for multiple users	Authorised device[1]	Students owned	Staff owned	Visitor owned
Allowed in school	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*
Full network access	*Yes*	*Yes*	*Yes*	*No*	*No*	*No*
Internet only	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*
No network access	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*	*Yes*

[1] Authorised device – purchased by the pupil/family through a school-organised scheme. This device may be given full access to the network as if it were owned by the school.

Use of digital and video images

The development of digital imaging technologies has created significant benefits to learning, allowing staff and students instant use of images that they have recorded themselves or downloaded from the internet. However, staff, parents/carers and students need to be aware of the risks associated with publishing digital images on the internet. Such images may provide avenues for online-bullying to take place. Digital images may remain available on the internet forever and may cause harm or embarrassment to individuals in the short or longer term. It is common for employers to carry out internet searches for information about potential and existing employees. The school will inform and educate users about these risks and will implement policies to reduce the likelihood of the potential for harm:

- When using digital images, staff should inform and educate students about the risks associated with the taking, use, sharing, publication and distribution of images. In particular they should recognise the risks attached to publishing their own images on the internet e.g. on social networking sites.
- Written permission from parents or carers will be obtained before photographs of students are published on the school website/social media/local press
- In accordance with guidance from the Information Commissioner's Office, parents/carers are welcome to take videos and digital images of their children at school events for their own personal use (as such use in not covered by the Data Protection Act). To respect everyone's privacy and in some cases protection, these images should not be published/made publicly available on social networking sites, nor should parents/carers comment on any activities involving other students in the digital/video images.
- Staff and volunteers are allowed to take digital/video images to support educational aims, but must follow school policies concerning the sharing, distribution and publication of those images.
- Care should be taken when taking digital/video images that students are appropriately dressed and are not participating in activities that might bring the individuals or the school into disrepute.
- Students must not take, use, share, publish or distribute images of others without their permission
- Photographs published on the website, or elsewhere that include students will be selected carefully and will comply with good practice guidance on the use of such images.

Data Protection

Personal data will be recorded, processed, transferred and made available according to the current data protection legislation.

The school must ensure that:

- it has a Data Protection Policy.
- it implements the data protection principles and is able to demonstrate that it does so through use of policies, notices and records.
- it has paid the appropriate fee Information Commissioner's Office (ICO) and included details of the Data Protection Officer (DPO).
- it has appointed an appropriate Data Protection Officer (DPO) who has a high level of understanding of data protection law and is free from any conflict of interest.
- it has an 'information asset register' in place and knows exactly what personal data it holds, where this data is held, why and which member of staff has responsibility for managing it
- the information asset register records the lawful basis for processing personal data (including, where relevant, how consent was obtained and refreshed). Where special category data is processed, an additional lawful basis will have also been recorded
- it will hold only the minimum personal data necessary to enable it to perform its function and it will not hold it for longer than necessary for the purposes it was collected for. The school should develop and implement a 'retention policy" to ensure there are clear and understood policies and routines for the deletion and disposal of data to support this. personal data held must be accurate and up to date where this is necessary for the

purpose it is processed for. Have systems in place to identify inaccuracies, such as asking parents to check emergency contact details at suitable intervals

- it provides staff, parents, volunteers, teenagers and older children with information about how the school looks after their data and what their rights are in a clear Privacy Notice
- procedures must be in place to deal with the individual rights of the data subject, e.g. one of the 8 data subject rights applicable is that of Subject Access which enables an individual to see to have a copy of the personal data held about them (subject to certain exceptions which may apply).
- it understands how to share data lawfully and safely with other relevant data controllers.
- it reports any relevant breaches to the Information Commissioner within 72hrs of becoming aware of the breach in accordance with UK data protection law. It also reports relevant breaches to the individuals affected as required by law. In order to do this, it has a policy for reporting, logging, managing, investigating and learning from information risk incidents.
- all staff receive data protection training at induction and appropriate refresher training thereafter. Staff undertaking particular data protection functions, such as handling requests under the individual's rights, will receive training appropriate for their function as well as the core training provided to all staff.

When personal data is stored on any mobile device or removable media the:

- data must be encrypted and password protected.
- device must be password protected.
- device must be protected by up to date virus and malware checking software
- data must be securely deleted from the device, in line with school policy (below) once it has been transferred or its use is complete.

Staff must ensure that they:

- at all times take care to ensure the safe keeping of personal data, minimising the risk of its loss or misuse
- can recognise a possible breach, understand the need for urgency and know who to report it to within the school
- can help data subjects understands their rights and know how to handle a request whether verbal or written. Know who to pass it to in the school
- where personal data is stored or transferred on mobile or other devices (USBs should not be used) these must be encrypted and password protected.
- will not transfer any school personal data to personal devices except as in line with school policy
- access personal data sources and records only on secure password protected computers and other devices, ensuring that they are properly "logged-off" at the end of any session in which they are using personal data

Communications

A wide range of rapidly developing communications technologies has the potential to enhance learning. The following table shows how the school currently considers the benefit of using these technologies for education outweighs their risks/disadvantages:

When using communication technologies, the school considers the following as good practice:

- The official school email service may be regarded as safe and secure and is monitored. Users should be aware that email communications are monitored.

- Users must immediately report, to the nominated person – in accordance with the school policy, the receipt of any communication that makes them feel uncomfortable, is offensive, discriminatory, threatening or bullying in nature and must not respond to any such communication.
- Any digital communication between staff and students or parents/carers (email, social media, chat, blogs, VLE etc) must be professional in tone and content.

Social Media - Protecting Professional Identity

All schools, academies, MATs and local authorities have a duty of care to provide a safe learning environment for pupils and staff. Schools/academies, MATs and local authorities could be held responsible, indirectly for acts of their employees in the course of their employment. Staff members who harass, engage in online bullying, discriminate on the grounds of sex, race or disability or who defame a third party may render the *school* or MAT liable to the injured party. Reasonable steps to prevent predictable harm must be in place.

The school provides the following measures to ensure reasonable steps are in place to minimise risk of harm to pupils, staff and the school through:

- Ensuring that personal information is not published
- Clear reporting guidance, including responsibilities, procedures and sanctions
- Risk assessment, including legal risk

School staff should ensure that:

- No reference should be made in social media to students, parents/carers or school staff
- They do not engage in online discussion on personal matters relating to members of the school community
- Personal opinions should not be attributed to the *school /academy* or local authority/MAT

Personal Use:

- Personal communications are those made via a personal social media accounts. In all cases, where a personal account is used which associates itself with the school or impacts on the school, it must be made clear that the member of staff is not communicating on behalf of the school with an appropriate disclaimer. Such personal communications are within the scope of this policy.
- Personal communications which do not refer to or impact upon the school are outside the scope of this policy
- Where excessive personal use of social media in school is suspected, and considered to be interfering with relevant duties, disciplinary action may be taken
- *The school permits reasonable and appropriate access to private social media sites*

Monitoring of Public Social Media:

- As part of active social media engagement, it is considered good practice to pro-actively monitor the Internet for public postings about the school
- The school should effectively respond to social media comments made by others according to a defined policy or process

Dealing with unsuitable/inappropriate activities

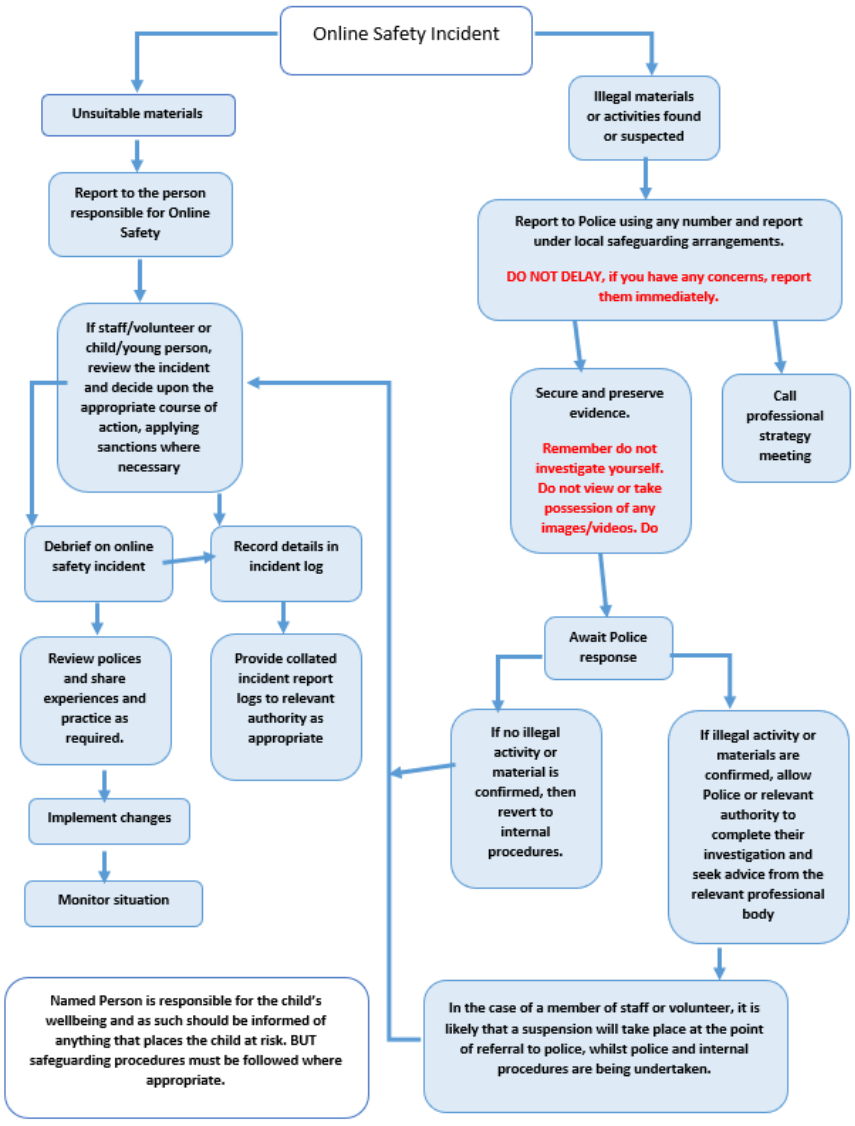
Some internet activity e.g. accessing child abuse images or distributing racist material is illegal and would obviously be banned from school and all other technical systems. Other activities e.g. cyber-bullying would be banned and could lead to criminal prosecution. There are however a range of activities which may, generally, be legal but would be inappropriate in a school context, either because of the age of the users or the nature of those activities.

Responding to incidents of misuse

This guidance is intended for use when staff need to manage incidents that involve the use of online services. It encourages a safe and secure approach to the management of the incident. Incidents might involve illegal or inappropriate activities.

Illegal Incidents

If there is any suspicion that the web site(s) concerned may contain child abuse images, or if there is any other suspected illegal activity, refer to the right hand side of the Flowchart (below and appendix) for responding to online safety incidents and report immediately to the police.



Other Incidents

It is hoped that all members of the school community will be responsible users of digital technologies, who understand and follow school policy. However, there may be times when infringements of the policy could take place, through careless or irresponsible or, very rarely, through deliberate misuse.

In the event of suspicion, all steps in this procedure should be followed:

- Have more than one senior member of staff involved in this process. This is vital to protect individuals if accusations are subsequently reported.
- Conduct the procedure using a designated computer that will not be used by young people and if necessary can be taken off site by the police should the need arise. Use the same computer for the duration of the procedure.
- It is important to ensure that the relevant staff should have appropriate internet access to conduct the procedure, but also that the sites and content visited are closely monitored and recorded (to provide further protection).
- Record the URL of any site containing the alleged misuse and describe the nature of the content causing concern. It may also be necessary to record and store screenshots of the content on the machine being used for investigation. These may be printed, signed and attached to the form (except in the case of images of child sexual abuse – see below)
- Once this has been completed and fully investigated the group will need to judge whether this concern has substance or not. If it does, then appropriate action will be required and could include the following:
    - Internal response or discipline procedures
    - Involvement by Local Authority/Academy Group or national/local organisation (as relevant).
    - Police involvement and/or action
- If content being reviewed includes images of child abuse, then the monitoring should be halted and referred to the Police immediately. Other instances to report to the police would include:
    - incidents of 'grooming' behaviour
    - the sending of obscene materials to a child
    - adult material which potentially breaches the Obscene Publications Act
    - criminally racist material
    - promotion of terrorism or extremism
    - offences under the Computer Misuse Act (see User Actions chart above)
    - other criminal conduct, activity or materials
- Isolate the computer in question as best you can. Any change to its state may hinder a later police investigation.

It is important that all of the above steps are taken as they will provide an evidence trail for the *schoo*l and possibly the police and demonstrate that visits to these sites were carried out for safeguarding purposes. The completed form should be retained by the group for evidence and reference purposes.

School actions & sanctions

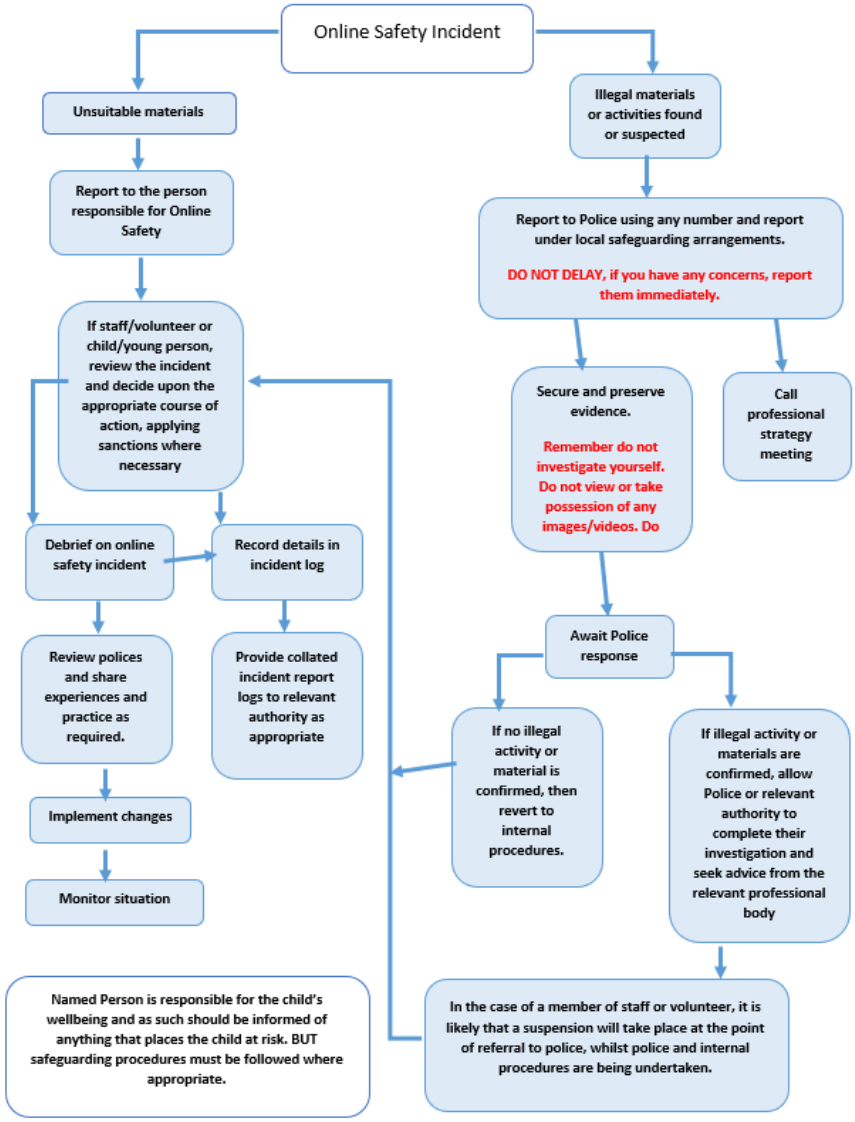
It is more likely that the school will need to deal with incidents that involve inappropriate rather than illegal misuse. It is important that any incidents are dealt with as soon as possible in a proportionate manner, and that members of the school community are aware that incidents have been dealt with. It is intended that incidents of misuse will be dealt with through normal behaviour/disciplinary procedures

Appendices

Acceptable Use Agreement

The school operates a single acceptable use policy for staff, students, volunteers and any other IT user. . Please see the policies section of the school website.

Responding to incidents of misuse – flow chart



School policy template: Electronic Devices - Searching & Deletion

Introduction

The changing face of information technologies and ever increasing pupil/students use of these technologies has meant that the Education Acts have had to change in an attempt to keep pace. Within Part 2 of the Education Act 2011 (Discipline) there have been changes to the powers afforded to schools by statute to search pupils in order to maintain discipline and ensure safety. Schools are required to ensure they have updated policies which take these changes into account. No such policy can on its own guarantee that the school will not face legal challenge, but having a robust policy which takes account of the Act and applying it in practice will however help to provide the school with justification for what it does.

The particular changes we deal with here are the added power to search for items 'banned under the school rules' and the power to 'delete data' stored on seized electronic devices.

Items banned under the school rules are determined and publicised by the Headteacher (section 89 Education and Inspections Act 1996).

An item banned by the school rules may only be searched for under these new powers if it has been identified in the school rules as an item that can be searched for. It is therefore important that there is a school policy which sets out clearly and unambiguously the items which:

- are banned under the school rules; and
- are banned AND can be searched for by authorised school staff

The act allows authorised persons to examine data on electronic devices if they think there is a good reason to do so. In determining a 'good reason' to examine or erase the data or files the authorised staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or could break the school rules.

Following an examination, if the person has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so.

The *Head Teacher/Principal* must publicise the school behaviour policy, in writing, to staff, parents/carers and studentsat least once a year. (There should therefore be clear links between the search etc. policy and the behaviour policy).

DfE advice on these sections of the Education Act 2011 can be found in the document: "Screening, searching and confiscation – Advice for head teachers, staff and governing bodies" (2014 and updated January 2018)

http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0076897/screening-searching-and-confiscation

Relevant legislation:

- Education Act 1996
- Education and Inspections Act 2006
- Education Act 2011 Part 2 (Discipline)
- The School Behaviour (Determination and Publicising of Measures in Academies) Regulations 2012
- Health and Safety at Work etc. Act 1974
- Obscene Publications Act 1959
- Children Act 1989
- Human Rights Act 1998
- Computer Misuse Act 1990

This is not a full list of Acts involved in the formation of this advice. Further information about relevant legislation can be found via the above link to the DfE advice document.

Responsibilities

The Headteacher is responsible for ensuring that the school policies reflect the requirements contained within the relevant legislation. The formulation of these policies may be delegated to other individuals or groups. The policies will normally be taken to Governors for approval. The Headteacher will need to authorise those staff who are allowed to carry out searches.

The *Headteacher* has authorised the following members of staff to carry out searches for and of electronic devices and the deletion of data/files on those devices:

- Senior Leaders
- Systems Manager
- Pastoral Leads
- Heads of Achievements or their Deputies

Policy Statements

Search:

The school Behaviour Policy refers to the policy regarding searches with and without consent for the wide range of items covered within the Education Act 2011 and lists those items. This policy refers only to the searching for and of electronic devices and the deletion of data/files on those devices.

Authorised staff (defined in the responsibilities section above) have the right to search for such electronic devices where they reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules.

- Searching with consent - Authorised staff may search with the pupil's consent for any item
- Searching without consent - Authorised staff may only search without the pupil's consent for anything which is either 'prohibited' (as defined in Section 550AA of the Education Act 1996) or appears in the school rules as an item which is banned and may be searched for

In carrying out the search:

The authorised member of staff must have reasonable grounds for suspecting that a *students* is in possession of a prohibited item i.e. an item banned by the school rules and which can be searched for.

The authorised member of staff should take reasonable steps to check the ownership of the mobile phone/personal electronic device before carrying out a search.

The authorised member of staff should take care that, where possible, searches should not take place in public places e.g. an occupied classroom, which might be considered as exploiting the students /pupil being searched.

The authorised member of staff carrying out the search must be the same gender as the *students* being searched; and there must be a witness (also a staff member) and, if at all possible, they too should be the same gender as the *students* being searched.

There is a limited exception to this rule: Authorised staff can carry out a search of a *students* of the opposite gender including without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Extent of the search:

The person conducting the search may not require the *students* to remove any clothing other than outer clothing.

Outer clothing means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear (outer clothing includes hats; shoes; boots; coat; blazer; jacket; gloves and scarves).

'Possessions' means any goods over which the *students /pupil* has or appears to have control – this includes desks, lockers and bags.

A students's possessions can only be searched in the presence of the *students* and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Use of Force – force cannot be used to search without consent for items banned under the school rules regardless of whether the rules say an item can be searched for.

Electronic devices

An authorised member of staff finding an electronic device may access and examine any data or files on the device if they think there is a good reason to do

The examination of the data/files on the device should go only as far as is reasonably necessary to establish the facts of the incident. Any further intrusive examination of personal data may leave the school open to legal challenge. It is important that authorised staff should have training and sufficient knowledge of electronic devices and data storage.

If inappropriate material is found on the device it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police. Examples of illegal activity would include:

- child sexual abuse images (including images of one child held by another child)
- adult material which potentially breaches the Obscene Publications Act
- criminally racist material
- other criminal conduct, activity or materials

Members of staff may require support in judging whether the material is inappropriate or illegal. One or more Senior Leaders should receive additional training to assist with these decisions. Care should be taken not to delete material that might be required in a potential criminal investigation.

The school should also consider their duty of care responsibility in relation to those staff who may access disturbing images or other inappropriate material whilst undertaking a search. Seeing such material can be most upsetting. There should be arrangements in place to support such staff. The school may wish to add further detail about these arrangements.

Further guidance on reporting the incident to the police and the preservation of evidence can be found in the SWGfL flow chart in the main School Template Policies document. Local authorities/local safeguarding partnerships may also have further guidance, specific to their area.

Deletion of Data

Following an examination of an electronic device, if the authorised member of staff has decided to return the device to the owner, or to retain or dispose of it, they may erase any data or files, if they think there is a good reason to do so. (i.e. the staff member must reasonably suspect that the data or file on the device in question has been, or could be, used to cause harm, to disrupt teaching or break the school rules).

If inappropriate material is found on the device, it is up to the authorised member of staff to decide whether they should delete that material, retain it as evidence (of a possible criminal offence or a breach of school discipline) or whether the material is of such seriousness that it requires the involvement of the police.

Care of Confiscated Devices

School staff are reminded of the need to ensure the safe keeping of confiscated devices, to avoid the risk of compensation claims for damage/loss of such devices (particularly given the possible high value of some of these devices).

Social Media Policy Template

Commented [SG1]: should we remove template?

Social media (e.g. Facebook, Twitter, LinkedIn) is a broad term for any kind of online platform which enables people to directly interact with each other. However, some games, for example Minecraft or World of Warcraft and video sharing platforms such as You Tube have social media elements to them.

The school recognises the numerous benefits and opportunities which a social media presence offers. Staff, parents/carers and pupils/students are actively encouraged to find creative ways to use social media. However, there are some risks associated with social media use, especially around the issues of safeguarding, bullying and personal reputation. This policy aims to encourage the safe use of social media by *the school*, its staff, parents, carers and children.

Scope

This policy is subject to the school's/academy's codes of conduct and acceptable use agreements.

This policy:

- **Applies to all staff and to all online communications which directly or indirectly, represent the school.**
- **Applies to such online communications posted at any time and from anywhere.**
- Encourages the safe and responsible use of social media through training and education

The school respects privacy and understands that staff and pupils/students may use social media forums in their private lives. However, personal communications likely to have a negative impact on professional standards and/or the school's reputation are within the scope of this policy.

Professional communications are those made through official channels, posted on a school account or using the school name. All professional communications are within the scope of this policy.

Personal communications are those made via a personal social media accounts. In all cases, where a personal account is used which associates itself with, or impacts on, the school, it must be made clear that the member of staff is not communicating on behalf of the school with an appropriate disclaimer. Such personal communications are within the scope of this policy.

Personal communications which do not refer to or impact upon the school are outside the scope of this policy.

Digital communications with pupils/students are also considered. *Staff may use social media to communicate with learners via a school social media account for teaching and learning purposes but must consider whether this is appropriate and consider the potential implications.*

Organisational control

Roles & Responsibilities

- SLT
    - Facilitating training and guidance on Social Media use.
    - Developing and implementing the Social Media policy
    - Taking a lead role in investigating any reported incidents.
    - Making an initial assessment when an incident is reported and involving appropriate staff and external agencies as required.
    - Approve account creation
- Administrator/Moderator
    - Create the account following SLT approval
    - Store account details, including passwords securely
    - Be involved in monitoring and contributing to the account
    - Control the process for managing an account after the lead staff member has left the organisation (closing or transferring)
- Staff

- Know the contents of and ensure that any use of social media is carried out in line with this and other relevant policies
- Attending appropriate training
- Regularly monitoring, updating and managing content he/she has posted via school accounts
- Adding an appropriate disclaimer to personal accounts when naming the school

Process for creating new accounts

The school community is encouraged to consider if a social media account will help them in their work, e.g. a history department Twitter account, or a "Friends of the school" Facebook page. Anyone wishing to create such an account must present a business case to the Leadership Team which covers the following points:-

- The aim of the account
- The intended audience
- How the account will be promoted
- Who will run the account (at least two staff members should be named)
- Will the account be open or private/closed

Following consideration by the SLT an application will be approved or rejected. In all cases, the SLT must be satisfied that anyone running a social media account on behalf of the school has read and understood this policy and received appropriate training. This also applies to anyone who is not directly employed by the school, including volunteers or parents.

Monitoring

School accounts must be monitored regularly and frequently (preferably 7 days a week, including during holidays). Any comments, queries or complaints made through those accounts must be responded to within 24 hours (or on the next working day if received at a weekend) even if the response is only to acknowledge receipt. Regular monitoring and intervention is essential in case a situation arises where bullying or any other inappropriate behaviour arises on a school social media account.

Behaviour

- The school requires that all users using social media adhere to the standard of behaviour as set out in this policy and other relevant policies.
- Digital communications by staff must be professional and respectful at all times and in accordance with this policy. Staff will not use social media to infringe on the rights and privacy of others or make ill-considered comments or judgments about staff. School social media accounts must not be used for personal gain. Staff must ensure that confidentiality is maintained on social media even after they leave the employment of the school.
- Users must declare who they are in social media posts or accounts. Anonymous posts are discouraged in relation to school activity.
- If a journalist makes contact about posts made using social media staff must follow the school media policy before responding.
- Unacceptable conduct, (e.g. defamatory, discriminatory, offensive, harassing content or a breach of data protection, confidentiality, copyright) will be considered extremely seriously by the school and will be reported as soon as possible to a relevant senior member of staff, and escalated where appropriate.
- The use of social media by staff while at work may be monitored, in line with school policies. *The school permits reasonable and appropriate access to private social media sites. However, where excessive use is suspected, and considered to be interfering with relevant duties, disciplinary action may be taken*
- The school will take appropriate action in the event of breaches of the social media policy. Where conduct is found to be unacceptable, the school will deal with the matter internally. Where conduct is considered illegal, the school will report the matter to the police and other relevant external agencies, and may take action according to the disciplinary policy.

Legal considerations

- Users of social media should consider the copyright of the content they are sharing and, where necessary, should seek permission from the copyright holder before sharing.
- Users must ensure that their use of social media does not infringe upon relevant data protection laws, or breach confidentiality.

Handling abuse

- When acting on behalf of the school, handle offensive comments swiftly and with sensitivity.
- If a conversation turns and becomes offensive or unacceptable, school users should block, report or delete other users or their comments/posts and should inform the audience exactly why the action was taken
- If you feel that you or someone else is subject to abuse by colleagues through use of a social networking site, then this action must be reported using the agreed school protocols.

Tone

The tone of content published on social media should be appropriate to the audience, whilst retaining appropriate levels of professional standards. Key words to consider when composing messages are:

- Engaging
- Conversational
- Informative
- Friendly (on certain platforms, e.g. Facebook)

Use of images

School use of images can be assumed to be acceptable, providing the following guidelines are strictly adhered to.

- Permission to use any photos or video recordings should be sought in line with the school's/academy's digital and video images policy. If anyone, for any reason, asks not to be filmed or photographed then their wishes should be respected.
- Under no circumstances should staff share or upload students pictures online other than via school owned social media accounts
- Staff should exercise their professional judgement about whether an image is appropriate to share on school social media accounts. Students should be appropriately dressed, not be subject to ridicule and must not be on any school list of children whose images must not be published.
- If a member of staff inadvertently takes a compromising picture which could be misconstrued or misused, they must delete it immediately.

Personal use

- Staff
    - Personal communications are those made via a personal social media accounts. In all cases, where a personal account is used which associates itself with the school or impacts on the school, it must be made clear that the member of staff is not communicating on behalf of the school with an appropriate disclaimer. Such personal communications are within the scope of this policy.
    - Personal communications which do not refer to or impact upon the school are outside the scope of this policy.
    - Where excessive personal use of social media in school is suspected, and considered to be interfering with relevant duties, disciplinary action may be taken
    - Staff are not permitted to follow or engage with current students at the school on any personal social media network account unless there are declared family links.
    -
- Students
    - The school's/academy's education programme should enable the pupils/students to be safe and responsible users of social media.

    - Students are encouraged to comment or post appropriately about the school. Any offensive or inappropriate comments will be resolved by the use of the school's/academy's behaviour policy

- Parents/Carers
    - If parents/carers have access to a school learning platform where posting or commenting is enabled, parents/carers will be informed about acceptable use.
    - The school has an active parent/carer education programme which supports the safe and positive use of social media. This includes information on the website.
    - Parents/Carers are encouraged to comment or post appropriately about the school. In the event of any offensive or inappropriate comments being made, the school will ask the parent/carer to remove the post and invite them to discuss the issues in person. If necessary, refer parents to the school's/academy's complaints procedures.

Monitoring posts about the school

- As part of active social media engagement, it is considered good practice to pro-actively monitor the Internet for public postings about the school.
- The school should effectively respond to social media comments made by others according to a defined policy or process.

Managing school social media accounts

The Do's

- Check with a senior leader before publishing content that may have controversial implications for the school
- Use a disclaimer when expressing personal views
- Make it clear who is posting content
- Use an appropriate and professional tone
- Be respectful to all parties
- Ensure you have permission to 'share' other peoples' materials and acknowledge the author
- Express opinions but do so in a balanced and measured manner
- Think before responding to comments and, when in doubt, get a second opinion
- Seek advice and report any mistakes using the school's reporting process
- Consider turning off tagging people in images where possible

The Don'ts

- Don't make comments, post content or link to materials that will bring the school into disrepute
- Don't publish confidential or commercially sensitive material
- Don't breach copyright, data protection or other relevant legislation
- Consider the appropriateness of content for any audience of school accounts, and don't link to, embed or add potentially inappropriate content
- Don't post derogatory, defamatory, offensive, harassing or discriminatory content
- Don't use social media to air internal grievances

Links to other organisations or documents

The following links may help those who are developing or reviewing a school online safety policy and creating their online safety provision:

UK Safer Internet Centre

Safer Internet Centre – https://www.saferinternet.org.uk/

South West Grid for Learning - https://swgfl.org.uk/products-services/online-safety/

Childnet – http://www.childnet-int.org/

Professionals Online Safety Helpline - http://www.saferinternet.org.uk/about/helpline

Revenge Porn Helpline - https://revengepornhelpline.org.uk/

Internet Watch Foundation - https://www.iwf.org.uk/

Report Harmful Content - https://reportharmfulcontent.com/

CEOP

CEOP - http://ceop.police.uk/

ThinkUKnow - https://www.thinkuknow.co.uk/

Others

LGfL – Online Safety Resources

Kent – Online Safety Resources page

INSAFE/Better Internet for Kids - https://www.betterinternetforkids.eu/

UK Council for Internet Safety (UKCIS) - https://www.gov.uk/government/organisations/uk-council-for-internet-safety

Netsmartz - http://www.netsmartz.org/

Tools for Schools

Online Safety BOOST – https://boost.swgfl.org.uk/

360 Degree Safe – Online Safety self-review tool – https://360safe.org.uk/

360Data – online data protection self-review tool: www.360data.org.uk

SWGfL Test filtering - http://testfiltering.com/

UKCIS Digital Resilience Framework - https://www.gov.uk/government/publications/digital-resilience-framework

Bullying/Online-bullying/Sexting/Sexual Harassment

Enable – European Anti Bullying programme and resources (UK coordination/participation through SWGfL & Diana Awards) - http://enable.eun.org/

SELMA – Hacking Hate - https://selma.swgfl.co.uk

Scottish Anti-Bullying Service, Respectme - http://www.respectme.org.uk/

Scottish Government - Better relationships, better learning, better behaviour - http://www.scotland.gov.uk/Publications/2013/03/7388

DfE - Cyberbullying guidance - https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/374850/Cyberbullying_Advice_for_Headteachers_and_School_Staff_121114.pdf

Childnet – Cyberbullying guidance and practical PSHE toolkit:

http://www.childnet.com/our-projects/cyberbullying-guidance-and-practical-toolkit

Childnet – Project deSHAME – Online Sexual Harrassment

UKSIC – Sexting Resources

Anti-Bullying Network – http://www.antibullying.net/cyberbullying1.htm

Ditch the Label – Online Bullying Charity

Diana Award – Anti-Bullying Campaign

Social Networking

Digizen – Social Networking

UKSIC - Safety Features on Social Networks

Children's Commissioner, TES and Schillings – Young peoples' rights on social media

Curriculum

SWGfL Evolve - https://projectevolve.co.uk

UKCCIS – Education for a connected world framework

Teach Today – www.teachtoday.eu/

Insafe - Education Resources

Data Protection

360data - free questionnaire and data protection self review tool

ICO Guides for Education (wide range of sector specific guides)

DfE advice on Cloud software services and the Data Protection Act

IRMS - Records Management Toolkit for Schools

NHS - Caldicott Principles (information that must be released)

ICO Guidance on taking photos in schools

Dotkumo - Best practice guide to using photos

Professional Standards/Staff Training

DfE – Keeping Children Safe in Education

DfE - Safer Working Practice for Adults who Work with Children and Young People

Childnet – School Pack for Online Safety Awareness

UK Safer Internet Centre Professionals Online Safety Helpline

Infrastructure/Technical Support

UKSIC – Appropriate Filtering and Monitoring

SWGfL Safety & Security Resources

Somerset - Questions for Technical Support

NCA – Guide to the Computer Misuse Act

NEN – Advice and Guidance Notes

Working with parents and carers

Online Safety BOOST Presentations - parent's presentation

Vodafone Digital Parents Magazine

Childnet Webpages for Parents & Carers

Get Safe Online - resources for parents

Teach Today - resources for parents workshops/education

Internet Matters

Prevent

Prevent Duty Guidance

Prevent for schools – teaching resources

NCA – Cyber Prevent

Childnet – Trust Me

Research

Ofcom –Media Literacy Research

Further links can be found at the end of the UKCIS Education for a Connected World Framework

Glossary of Terms

AUP/AUA	Acceptable Use Policy/Agreement – see templates earlier in this document
CEOP	Child Exploitation and Online Protection Centre (part of National Crime Agency, UK Police, dedicated to protecting children from sexual abuse, providers of the Think U Know programmes.
CPD	Continuous Professional Development
FOSI	Family Online Safety Institute
ICO	Information Commissioners Office
ICT	Information and Communications Technology
INSET	In Service Education and Training
IP address	The label that identifies each computer to other computers using the IP (internet protocol)
ISP	Internet Service Provider
ISPA	Internet Service Providers' Association
IWF	Internet Watch Foundation
LA	Local Authority
LAN	Local Area Network
MAT	Multi Academy Trust
MIS	Management Information System
NEN	National Education Network – works with the Regional Broadband Consortia (e.g. SWGfL) to provide the safe broadband provision to schools across Britain.
Ofcom	Office of Communications (Independent communications sector regulator)
SWGfL	South West Grid for Learning Trust – the Regional Broadband Consortium of SW Local Authorities – is the provider of broadband and other services for schools and other organisations in the SW
TUK	Think U Know – educational online safety programmes for schools, young people and parents.
UKSIC	UK Safer Internet Centre – EU funded centre. Main partners are SWGfL, Childnet and Internet Watch Foundation.
UKCIS	UK Council for Internet Safety
VLE	Virtual Learning Environment (a software system designed to support teaching and learning in an educational setting,
WAP	Wireless Application Protocol

School Personal Data Advice and Guidance

This is guidance and set out the legislation as understood.

Data Protection Law – A Legislative Context

With effect from 25th May 2018, the data protection arrangements for the UK changed following the implementation of the European Union General Data Protection Regulation (GDPR). This represented a significant shift in legislation and in conjunction with the Data Protection Act 2018 replaced the Data Protection Act 1998.

GDPR - As a European Regulation, the GDPR has direct effect in UK law and automatically applies in the UK until we leave the EU (or until the end of any agreed transition period, if we leave with a deal). After this date, it will form part of UK law under the European Union (Withdrawal) Act 2018, with some technical changes to make it work effectively in a UK context.

Data Protection Act 2018 – this Act sits alongside the GDPR, and tailors how the GDPR applies in the UK and provides the UK-specific details such as; how to handle education and safeguarding information.

No Deal Brexit -The Information Commissioner advises that in the event of a no- deal Brexit it is anticipated that the Government of the day will pass legislation to incorporate GDPR into UK law alongside the DPA 2018. Unless your school receives personal data from contacts in the EU there will be little change save to update references to the effective legislation in privacy notices etc.

In this document the term "Data Protection Law" refers to the legislation applicable to data protection and privacy as applicable in the UK from time to time.

Does the Data Protection Law apply to schools?

In short, yes. Any natural or legal person, public authority, agency or other body which processes personal data is considered a 'data controller'.

A school is, for the purposes of the Data Protection Law, a "public body" and further processes the **personal data** of numerous **data subjects** on a daily basis.

Personal data is information that relates to an identified or identifiable living individual (a data subject).

Guidance for schools/academies is available on the Information Commissioner's Office (ICO) website including information about the Data Protection Law.

The ICO's powers are wide ranging in the event of non-compliance and schools/academies must be aware of the huge impact that a fine or investigation will have on finances and also in the wider community for example in terms of trust.

The Data Protection Law sets out that a data controller must ensure that personal data shall be:

a) processed lawfully, fairly and in a transparent manner in relation to data subjects;
b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified

without delay;

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the Data Protection Law in order to safeguard the rights and freedoms of data subjects; and

f) processed in a manner that 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.

These principles of the Data Protection Law drive the need for the school to put in place appropriate **privacy notices** (to give a data subject information about the personal data processing activities, **legal basis of processing** and **data subject rights**) and policies (such as for reporting a breach, managing a data subject access request, training, retention etc.) to demonstrate compliance.

Data Mapping to identify personal data, data subjects and processing activities

The school and its employees will collect and/ or process a wide range of information concerning numerous data subjects and some of this information will include personal data. Further, the school may need to share some personal data with third parties. To be able to demonstrate and plan compliance and it is important that the school has a **data map** of these activities; it can then make sure that the correct privacy notices are provided, put in place **security measures** to keep the personal data secure and other steps to avoid **breach** and also put in place data processing agreements with the third parties.

The data map should identify what personal data held in digital format or on paper records in a school/ academy, where it is stored, why it is processed and how long it is retained.

In a typical data map for a school the data subjects and personal data will include, but is not limited to:

- Parents, legal guardians, governors – and personal data of names, addresses, contact details
- Learners - curricular / academic data e.g. class lists, learner progress records, reports, references, contact details, health and SEN reports
- Staff and contractors - professional records e.g. employment history, taxation and national insurance records, appraisal records and references, health records

Some types of personal data are designated as '**special category**' being personal data;
"revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation"

This should be identified separately and to lawfully process special category data, you must identify both a lawful basis and a separate condition for processing special category data. You should decide and document this before you start processing the data.

The school will need to identify appropriate lawful process criteria for each type of personal data and if this is not possible such activities should be discontinued. The lawful processing criteria can be summarised as:

(a) Consent:	the data subject has given clear consent for you to process their personal data for a specific purpose (see below for further guidance)
(b) Contract:	the processing is necessary for a contract you have with the data subject
(c) Legal obligation:	the processing is necessary for you to comply with the law (not including contractual obligations).

(d) Vital interests:	the processing is necessary to protect someone's life.
(e) Public task:	the processing is necessary for you to perform a task in the public interest or for your official functions, and the task or function has a clear basis in law.
(f) Legitimate interests:	the processing is necessary for your legitimate interests or the legitimate interests of a third party unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply if you are a public authority processing data to perform your official tasks) Please also be aware that these criteria must be supported by a written legitimate interest assessment.

No single basis is 'better' or more important than the others – which basis is most appropriate to use will depend on your purpose and relationship with the data subject.

Several of the lawful purpose criteria may relate to a particular specified purpose – a legal obligation, a contract with the individual, protecting someone's vital interests, or performing your public tasks. If you are processing for these purposes then the appropriate lawful basis may well be obvious, so it is helpful to consider these first.

As a public authority, and if you can demonstrate that the processing is to perform your tasks as set down in UK law, then you are able to use the public task basis. If not, you may still be able to consider consent or legitimate interests in some cases, depending on the nature of the processing and your relationship with the data subject. There is no absolute ban on public authorities using consent or legitimate interests as their lawful basis, but the Data Protection law does restrict public authorities' use of these two criteria.

The majority of processing of personal data conducted by public authorities will fall within Article 6(1)(e) GDPR, that *"processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller"* however careful consideration must be given to any processing, especially in more novel areas. As you can see, consent is just one of several possible lawful processing criteria.

Consent has changed as a result of the GDPR and is now defined as: "in relation to the processing of personal data relating to an individual, means a freely given, specific, informed and unambiguous indication of the individual's wishes by which the individual, by a statement or by a clear affirmative action, signifies agreement to the processing of the personal data"

This means that where a school is relying on consent as the basis for processing personal data that consent has to be clear, meaning that pre-ticked boxes, opt-out or implied consent are no longer suitable. The GDPR does not specify an age of consent for general processing but schools/academies should consider the capacity of pupils to freely give their informed consent.

The Information Commissioner's Office (ICO) gives clear advice on when it's appropriate to use consent as a lawful base. It states:

"Consent is appropriate if you can offer people real choice and control over how you use their data and want to build their trust and engagement. But if you cannot offer a genuine choice, consent is not appropriate. If you would still process the personal data without consent, asking for consent is misleading and inherently unfair."

You should only use consent if none of the other lawful bases is appropriate. If you do so, you must be able to cope with people saying no (and/or changing their minds), so it's important that you only use consent for optional extras, rather than for core information the school requires in order to function. Examples;

- consent would be appropriate for considering whether a child's photo could be published in any way.

– if your school or academy requires learner details to be stored in an MIS, it would not be appropriate to rely on consent if the learner cannot opt out of this. In this case, you could apply the public task lawful base.

Content of Privacy Notices

Privacy Notices are a key compliance requirement as they ensure that each data subject is aware of the following points when data is collected/ processed by a data controller:

- Who the controller of the personal data is
- What personal data is being processed and the lawful purpose of this processing
- where and how the personal data was sourced
- to whom the personal data may be disclosed
- how long the personal data may be retained
- data subject's rights and how to exercise them or make a complaint

In order to comply with the fair processing requirements in data protection law, the school will inform parents/carers of all learners of the data they collect, process and hold on the learners, the purposes for which the data is held and the third parties (e.g. LA etc.) to whom it may be passed. This privacy notice will be passed to parents/carers for example in the prospectus, newsletters, reports or a specific letter / communication or you could publish it on your website and keep it updated there. Parents/carers of young people who are new to the school will be provided with the privacy notice through an appropriate mechanism.

In some circumstances you may also require privacy notices for children / learners as data subjects as children have the same rights as adults over their personal data. These include the rights to access their personal data; request rectification; object to processing and have their personal data erased. The policies that explain this should be clear and age appropriate.

Data subject's right of access

Data subjects have a number of rights in connection with their personal data. They have the right:

- to be informed – Privacy Notices
- of access – Subject Access Requests
- to rectification – correcting errors
- to erasure – deletion of data when there is no compelling reason to keep it
- to restrict processing – blocking or suppression of processing
- to portability – unlikely to be used in a school context
- to object – objection based on grounds pertaining to their situation
- related to automated decision making, including profiling

Several of these could impact schools and academies, such as the right of access. You need to put procedures in place to deal with Subject Access Requests. These are written or verbal requests to see all or a part of the personal data held by the Controller in connection with the data subject. Controllers normally have 1 calendar month to provide the information, unless the case is unusually complex in which case an extension can be obtained.

A school must not disclose personal data even if requested in a Subject Access Request;

- if doing so would cause serious harm to the individual
- child abuse data
- adoption records
- statements of special educational needs

Your school or academy must provide the information free of charge. However, if the request is clearly unfounded or excessive – and especially if this is a repeat request – you may charge a reasonable fee.

Breaches and how to manage a breach

Recent publicity about data breaches suffered by organisations and individuals continues to make the area of personal data protection a current and high profile issue for schools, academies and other organisations. It is important that the school has a clear and well understood personal data handling policy in order to minimise the risk of personal data breaches.

A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

A breach may arise from a theft, a deliberate attack on your systems, the unauthorised or malicious use of personal data by a member of staff, accidental loss, or equipment failure. In addition:

- no school or individual would want to be the cause of a data breach, particularly as the impact of data loss on individuals can be severe, put individuals at risk and affect personal, professional or organisational reputation
- schools/academies are "data rich" and the introduction of electronic storage and transmission of data has created additional potential for the loss of data
- the school will want to avoid the criticism and negative publicity that could be generated by any-personal data breach

Schools / academies have always held personal data on the learners in their care, and increasingly this data is held digitally and accessible not just in school but also from remote locations. It is important to stress that the Data Protection Laws apply to all forms of personal data, regardless of whether it is held on paper or in electronic format. However, as it is part of an overall online safety policy template, this document will place particular emphasis on data which is held or transferred digitally.

Schools / Academies will need to carefully review their policy, in the light of pertinent Local Authority regulations and guidance and changes in legislation.

All significant data protection incidents must be reported through the DPO to the Information Commissioner's Office based upon the local incident handling policy and communication plan. The new laws require that this notification should take place within 72 hours of the breach being detected, where feasible.

If you experience a personal data breach you need to consider whether this poses a risk to people. You need to consider the likelihood and severity of any risk to people's rights and freedoms, following the breach. When you've made this assessment, if it's likely there will be a risk then you must notify the ICO; if it's unlikely then you don't have to report it. You do not need to report every breach to the ICO.

The school should have a policy for reporting, logging, managing and recovering from information risk incidents, which establishes a:

- "responsible person" for each incident
- communications plan, including escalation procedure
- plan of action for rapid resolution
- plan of action of non-recurrence and further awareness raising

Privacy by Design and Data Protection Impact Assessments (DPIA)

Data Protection Impact Assessments (DPIA) identify and address privacy risks early on in any project so that you can mitigate them before the project goes live.

DPIAs should be carried out by Data Managers (where relevant) under the support and guidance of the DPO. Ideally you should conduct a DPIA before processing activity starts. However, some may need to be retrospective in the early stages of compliance activity.

The risk assessment will involve:

- recognising the risks that are present
- judging the level of the risks (both the likelihood and consequences)
- prioritising the risks.

According to the ICO a DPIA should contain:

- a description of the processing operations and the purpose
- an assessment of the necessity and proportionality of the processing in relation to the purpose
- an assessment of the risks to individuals
- the measures in place to address risk, including security and to demonstrate that you comply.

Or more simply and fully:

- who did you talk to about this?
- what is going to happen with the data and how – collection, storage, usage, disposal
- how much personal data will be handled (number of subjects)
- why you need use personal data in this way
- what personal data (including if it's in a 'special category') are you using
- at what points could the data become vulnerable to a breach (loss, stolen, malicious)
- what the risks are to the rights of the individuals if the data was breached
- what are you going to do in order to reduce the risks of data loss and prove you are compliant with the law.

DPIA is an ongoing process and should be re-visited at least annually to verify that nothing has changed since the processing activity started.

Secure storage of and access to data

The school should ensure that systems are set up so that the existence of protected files is hidden from unauthorised users and that users will be assigned a clearance that will determine which files are accessible to them. Access to protected data will be controlled according to the role of the user. Members of staff will not, as a matter of course, be granted access to the whole management information system.

Good practice suggests that all users will use strong passwords made up from a combination of simpler words. User passwords must never be shared.

Personal data may only be accessed on machines that are securely protected. Any device that can be used to access personal data must be locked if left (even for very short periods) and set to auto lock if not used for five minutes.

All storage media must be stored in an appropriately secure and safe environment that avoids physical risk, loss or electronic degradation.

Personal data should only be stored on school equipment. Private equipment (i.e. owned by the users) must not be used for the storage of school personal data.

When personal data is stored on any portable computer system, USB stick or any other removable media:

- The data must be encrypted and password protected
- The device must be password protected
- The device must offer approved virus and malware checking software
- The data must be securely deleted from the device, in line with school policy once it has been transferred or its use is complete.

The school will need to set its own policy as to whether data storage on removal media is allowed, even if encrypted. Some organisations do not allow storage of personal data on removable devices.

The school should have a clear policy and procedures for the automatic backing up, accessing and restoring of all data held on school systems, including off-site backups.

The school should have clear policy and procedures for the use of "Cloud Based Storage Systems" (for example Dropbox, Microsoft 365, Google Drive) and is aware that data held in remote and cloud storage is still required to be protected in line with the Data Protection Act. The school will ensure that it is satisfied with controls put in place by remote / cloud based data services providers to protect the data.

As a Data Controller, the school is responsible for the security of any data passed to a "third party". Specific data processing clauses must be included in all contracts where personal data is likely to be passed to a third party.

All paper based personal data must be held in lockable storage, whether on or off site.

Secure transfer of data and access out of school

The school recognises that personal data may be accessed by users out of school or transferred to the local authority or other agencies. In these circumstances:

- Users may not remove or copy sensitive or restricted or protected personal data from the school or authorised premises without permission and unless the media is encrypted and password protected and is transported securely for storage in a secure location
- Users must take particular care that computers or removable devices which contain personal data must not be accessed by other users (e.g. family members) when out of school
- When restricted or protected personal data is required by an authorised user from outside the organisation's premises (for example, by a member of staff to work from their home), they should preferably have secure remote access to the management information system or learning platform
- If secure remote access is not possible, users must only remove or copy personal or sensitive data from the organisation or authorised premises if the storage media, portable or mobile device is encrypted and is transported securely for storage in a secure location
- Users must protect all portable and mobile devices, including media, used to store and transmit personal information using approved encryption software
- Particular care should be taken if data is taken or transferred to another country, particularly outside Europe, and advice should be taken from the local authority (if relevant) in this event.

Disposal of personal data

The school should implement a document retention schedule that defines the length of time personal data is held before secure destruction. The Information and Records Management Society Toolkit for schools provides support for this process. The school must ensure the safe destruction of personal data when it is no longer required.

The disposal of personal data, in either paper or electronic form, must be conducted in a way that makes reconstruction highly unlikely. Electronic files must be securely disposed of, and other media must be shredded, incinerated or otherwise disintegrated.

A Destruction Log should be kept of all data that is disposed of. The log should include the document ID, classification, date of destruction, method and authorisation.

Demonstrating Compliance - Audit Logging / Reporting / Incident Handling

Organisations are required to keep records of processing activity. The data map referred to above will assist here. Records must include:

- the name and contact details of the data controller
- where applicable, the name and contact details of the joint controller and data protection officer
- the purpose of the processing
- to whom the data has been/will be disclosed
- description of data subject and personal data
- where relevant the countries it has been transferred to
- under which condition for processing the personal data has been collected
- under what lawful basis processing is being carried out
- where necessary, how it is retained and destroyed
- a general description of the technical and organisational security measures.

Clearly, in order to maintain these records good auditing processes must be followed, both at the start of the exercise and on-going throughout the lifetime of the requirement. Therefore, audit logs will need to be kept to:

- provide evidence of the processing activity and the DPIA
- record where, why, how and to whom personal data has been shared
- log the disposal and destruction of the personal data
- enable the school to target training at the most at-risk data
- record any breaches that impact on the personal data

Fee

The school should pay the relevant annual fee to the Information Commissioner's Office (ICO). Failure to renew may render the school to a penalty in additional to other fines possible under the Data Protection Law.

Responsibilities

Every maintained school is required to appoint a Data Protection Officer as a core function of 'the business'

The Data Protection Officer (DPO) can be internally or externally appointed.

They must have:

- expert knowledge
- timely and proper involvement in all issues relating to data protection
- the necessary resources to fulfil the role
- access to the necessary personal data processing operations
- a direct reporting route to the highest management level

The data controller must:

- not give the DPO instructions regarding the performance of tasks
- ensure that the DPO does not perform a duty or role that would lead to a conflict of interests
- not dismiss or penalise the DPO for performing the tasks required of them

As a minimum a Data Protection Officer must:

- inform, as necessary, the controller, a processor or an employee of their obligations under the data protection laws
- provide advice on a data protection impact assessment
- co-operate with the Information Commissioner
- act as the contact point for the Information Commissioner
- monitor compliance with policies of the controller in relation to the protection of personal data
- monitor compliance by the controller with Data Protection Law

The school may also wish to appoint a Data Manager. Schools/academies are encouraged to separate this role from that of Data Protection Officer, where possible. This person will keep up to date with current legislation and guidance and will:

- determine and take responsibility for the school's / academy's information risk policy and risk assessment
- oversee the System Controllers

The school may also wish to appoint System Controllers for the various types of data being held (e.g. learner information / staff information / assessment data etc.). System Controllers will manage and address risks to the information and will understand:

- what information is held, for how long and for what purpose
- how information has been amended or added to over time, and
- who has access to the data and why.

Everyone in the school has the responsibility of handling protected or sensitive data in a safe and secure manner.

Governors are required to comply fully with this policy in the event that they have access to personal data, when engaged in their role as a Governor (either in the school or elsewhere if on school business).

Training & awareness

All staff must receive data handling awareness / data protection training and will be made aware of their responsibilities. This should be undertaken regularly. You can do this through:

- Induction training for new staff
- Staff meetings / briefings / INSET
- Day to day support and guidance from System Controllers

Freedom of Information Act

All schools / academies must have a Freedom of Information Policy which sets out how it will deal with FOI requests. FOI aims to increase transparency and accountability in public sector organisations as part of a healthy democratic process. Whilst FOI requests are submitted by an individual, the issue is for the school to consider whether the requested information should be released into the public domain. FOI links to Data Protection Law whenever a request includes personal data. Good advice would encourage the school to:

- delegate to the Headteacher day-to-day responsibility for FOI policy and the provision of advice, guidance, publicity and interpretation of the school's/academy's policy
- consider designating an individual with responsibility for FOI, to provide a single point of reference, coordinate FOI and related policies and procedures, take a view on possibly sensitive areas and consider what information and training staff may need

- consider arrangements for overseeing access to information and delegation to the appropriate governing body
- proactively publish information with details of how it can be accessed through a Publication Scheme (see Model Publication Scheme below) and review this annually
- ensure that a well-managed records management and information system exists in order to comply with requests
- ensure a record of refusals and reasons for refusals is kept, allowing the school to review its access policy on an annual basis

Privacy and Electronic Communications

Schools/academies should be aware that they are subject to the Privacy and Electronic Communications Regulations in the operation of their websites.