

General Data Protection Regulations Compliance Guidance

Annex B to

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GDPR FREQUENTLY ASKED QUESTIONS

Can teachers still take pupil information (such as work books) home?

Yes. There is nothing to stop authorised school staff taking home information containing personal details, but it must be transported and held securely. It shouldn't be left unattended (in cars or with computer screens left on for non-authorised people to see) and if memory sticks are used, these should be encrypted.

Can I share information with people outside of the school?

This is still possible as long as the individuals in question are aware of their responsibilities regarding that data and we have authority to share the data. Sometimes data will be shared due to a legal obligation (safeguarding/child protection purposes) and this is fine as the GDPR provides a legal basis for this.

Other information is shared to enable the school to provide a statutory obligation and occasionally data will be shared to provide an additional service to staff or pupils. It is important that we know everybody who we share data with and they agree to sign a written document governing how data must be used, stored and ultimately returned to the school or destroyed after use.

If you are unsure whether data should be shared with an individual or other body, make sure the Data Protection Officer is made aware of your concerns (inform your head of school or data office manager).

Should I hide pupil names when sharing information with others outside of the Academy Trust?

If you can do so (or apply a code such as a serial number) without compromising the purpose of sharing the information, then this is a good method of restricting the risk to the individuals we hold data on.

This may be useful when meeting other teachers for the purposes of moderating marking practices. If you do not need to know the individuals in question, it is advisable to remove their details for this purpose.

Should I anonymise pupil information?

If you no longer need to identify individual pupils but wish to keep any aggregated data (for analysis) then completely anonymising the data (so that you can never re-identify the pupil in question) is a good idea as this removes the information from the scope of the GDPR. If you still need to identify the person in question, this won't be appropriate.

Should we have a clear desk policy?

This isn't an absolute requirement but any measures that could reduce the risk of loss or unauthorised access to personal information should be considered. If information is held on paper copies, always make sure it is locked away when not in use.

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Can we put personal information on display boards?

Staff boards should not contain any sensitive information and as a general rule, all displays should contain no more information than necessary to fulfil the intended purpose of the notification board.

For pupil display boards, they should not contain any information that doesn't relate to pupil work or school activities and the wishes of parents.

How should exercise books that contain pupils' full names, and possibly photos, be stored in classrooms?

As pupils are likely to know the names of their peers, there is not a huge risk in leaving exercise books in view, as there isn't the potential for a hugely damaging security breach. That being said, it is good practice to store exercise books in a cupboard

Can we display pupils' photographs in school displays and include their full names?

Wherever possible, schools should avoid identifying pupils – if names are required, only first names should be used.

Photographs and videos taken by staff on school visits may be used for educational purposes, e.g. on displays or to illustrate the work of the school, where consent has been obtained

Can we display the photographs of school leavers and include their name?

Past pupil photographs can be used as part of a display if a school has a lawful basis for doing so, such as their consent; however, depending on the purpose of the use consented to prior to the photograph being taken, the individual's consent may need to be refreshed.

Do we need consent to print full names on leavers' hoodies?

As hoodies and other memorabilia do not fall under the usual activities of a school, schools could not rely upon the legitimate interests right to be able to process the data for that purpose and, as a result, consent would be needed.

Can we display pupils' work around school which includes their full name?

It is perfectly reasonable to display pupils' work around school and include their full name without consent.

Can we provide work that includes a pupil's full name to a company that are running a competition, without parental consent?

This does not fall under the usual activities of a school, so it would be good practice to apply pseudonymisation (anonymising the data as much as possible, e.g. blurring a photograph of a pupil) to the art work to reduce the risk of it being identified. If you are unable to use pseudonymisation, consent would be required.

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What are the rules when writing about a pupil in a publication?

If it is for a legal publication, then schools should consider whether and why the name is needed. If it is for marketing, then schools should consider pseudonymisation – the individual has the right over what their identity is being used for, unless they have already given a blanket consent for marketing purposes

Are we able to display exam timetables in school?

Displaying exam timetables is a legitimate activity and way of communicating, so this is valid – consent is not required

Where do we stand on retweets from other organisations? Tweets may include pupil photographs, for example.

If consent has already been provided for use of an image on social media, the consent would cover retweets from other organisations.

Are images of pupils and staff considered personal data?

Images are considered to be personal data

How often do privacy notices need to be signed?

Consent should be kept under review and it should be refreshed if anything changes, so consent only needs to be sought once, unless anything changes.

Are separate privacy notices needed for parents?

If a privacy notice is intended for pupils and their families, it would be appropriate to outline how a school uses parents' information within this privacy notice – a separate privacy notice would not be required.

Do privacy notices need to be published on the school website?

Privacy notices must be communicated to data subjects to satisfy their right to be informed.

Who can be a school's data protection officer (DPO)?

The role of DPO can be undertaken by an internal or external individual, as long as they have professional experience and knowledge of data protection law.

How can we ensure our suppliers are compliant with the GDPR?

There is no set criteria for proving compliance with the GDPR – you should review their relevant policies and procedures, however, and ensure their processes are in line with the GDPR.

Can I do a disc of photos for my Year as a leaving gift? Photos have been used for newsletters etc... No names are on any of them.

Yes, as long as you get consent from parents, those involved.

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We can rely on consent collected for use of the original photos/videos as long as popping them onto a disc for this purpose is seen as compatible to the original request for permission (it would have to include publication of the images) but if they've all been used (with adequate consent) for newsletter, this should be fine.

What if I have further questions?

Pass these on to your head of school/Department do simply contact the Data Protection Officer who will provide advice as required.

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