



# **THE BEMROSE SCHOOL**

## **GDPR AND DATA PROTECTION POLICY**

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**ADOPTED: SEPTEMBER 2025**

### **Introduction**

The Bemrose School complies with the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018 relating to electronic and paper-based records. This means that, among other things, the data held about pupils and adults must only be used for specific purposes allowed by law.

For help or advice on any data protection issues please do not hesitate to contact our Data Protection Officer through the school office on 01332 366711 or by e-mailing [admin@bemrose.derby.sch.uk](mailto:admin@bemrose.derby.sch.uk)

### **Principles**

- The Bemrose School is registered with the Information Commissioner's Office annually.
- The school as the data controller will comply with its obligations under the GDPR and DPA.
- The six principles set out in the GDPR will be adhered to: Lawfulness, Fairness and Transparency; Purpose Limitation; Data Minimisation; Accuracy; Storage Limitation; Integrity and Confidentiality.
- Data will be held securely
- Parents' permission is needed before the school takes any images for both promotional and education purposes.
- Parents and children aged 12 years or over can request to see the data held on them.
- There is an exemption under Data Protection for the prevention and detection of crime and for the prosecuting and apprehending of offenders. The school will disclose information for these purposes upon a written request from the police.

In order for school to uphold the above principles staff should only use school equipment to access information when possible. Some information may be accessed through personal devices provided that it is with the agreement of school and does not compromise security of information, for example to read e-mails outside of school.

## **Monitoring**

The Governing Body will monitor through the Executive Headteacher's Reports the compliance and impact of this policy on a regular basis (yearly), including the number of breaches to this policy and the actions taken by the school in order to prevent reoccurrence of the same or similar issues. This policy links in with our Pupil Records Policy.

## **Appendix A Pupils Information**

Parents are issued with a Fair Processing Notice when their child first registers at the school.

The school holds information on pupils to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing.

This information includes

- contact details,
- National Curriculum assessment results,
- attendance information,
- personal characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time schools are required to pass on some of this data to Local Authorities, the Department for Education and to agencies that are prescribed by law, such as Ofsted, Department of Health and National Health Service providers.

Pupils, as data subjects, have certain rights under GDPR and the DPA, including a general right of access to personal data held on them. Parents can use this right on their behalf if they are too young to do so themselves.

The Education Act provides a pupil's parent, regardless of the age of the pupil, with the right to view, or to have a copy of, their child's educational record at the school. (See the Pupil Records Policy for more detail).

## **Appendix B National Careers Service**

The National Careers Service is the government's support service for all young people aged 13 to 19 in England. It also provides support up to the age of 25 for young people who have learning difficulties, disabilities or both.

For pupils approaching or above age 13 the school is required to pass on information to the National Careers Service on request.

This information includes:

- the name and address of the pupil and parent,
- any further information relevant to the National Careers Service's role, which is to support young people, helping them to achieve their potential and to realise benefits from education, learning and employment.

However, only the name and address of the pupil and parents can be stored if the parents, or the pupil themselves if aged 16 or over, request.

If parents or guardians or pupils aged 16 or over do not want the National Careers Service to receive from school information beyond name and address, then the school will not pass on this information if it has been so notified in writing.

From April 2013 some of National Careers Service responsibilities have been subsumed by the Local Authority. The Local Authority is now responsible for providing these services to all young people aged 13 to 19. The school will still need to exchange data with National Careers Service and other training providers. The school will continue to follow the same protocols in this respect as was done previously.

## Appendix C Pupil Photographs

To comply with the GDPR and DPA, parents' permission is needed before the school takes any images for both promotional and education purposes. When a child is registered the parents are asked to complete this form:

<b>Photograph and video consent form</b>		
May we use photographs of your son / daughter in our;		
	YES ✓	NO ✓
Printed promotional publications		
Advertising		
Website		
Promotional Videos		
Education Video clips		

Please make sure that you keep a copy of this form before returning it to your child's Form Tutor as soon as possible. **If you do not complete this form we will presume that you have no objections to us using photographs / videos of your son / daughter in any of the above promotions.** If you would like us to stop using the photographs / video clips, please contact us in writing at the school address.

**Conditions of use**

- We will not include personal e-mail or postal addresses or telephone numbers on video or on our website or in printed publications and advertising.
- We may use group or class images with very general labels, such as 'a science lesson' or 'making Christmas decorations'.
- We may use the image in literature unrelated to when the picture was actually taken.
- We may include the full name of the student with their image providing consent has been given.
- These images may also be used by partner agencies of The Bemrose School.

All information provided will be treated in confidence, in accordance with the GDPR and DPA and used for purposes of The Bemrose School.

Important – websites can be viewed worldwide, not just in the United Kingdom where UK law applies. The conditions for using these images are as stated above.

I have read and understood the conditions of use and give my permission for photographs & video clips to be taken of my child as stated above.

Signature of parent..... Date

Name of student..... Date

## **Appendix D Disclosure to Subjects (Subject Access Request)**

Parents and children over 12 can ask to see the data held on them, known as a Subject Access Request.

- This must be asked for in writing.
- The school will then comply with the request within 40 calendar days.
- The Education Act 1996 also gives rights to parents to see a copy of their child's education record. In the case of absent parents, they must prove they are the biological parent before information is given.

There are certain circumstances where an education record may be withheld; for example, where the information might cause serious harm to the physical or mental health of the pupil or another individual.

The request for access would also be denied if it would mean releasing examination marks before they are officially announced.

Although young people can submit their own subject access requests, parents or guardians can also exercise this right on their behalf. If the young person is 12 years of age or over, we will need to be satisfied that they are happy to authorise the disclosure of their personal data to their parent or guardian. We will also need to be satisfied that the student has given consent of their own free will.

For children with Special Educational Needs and Disabilities (SEND) we will adopt the same approach as above provided we are satisfied that the child/young person understands what they are doing. We will treat each request on its individual merits. As a mainstream school with a SEND provision we believe that it is unlikely that a pupil will be incapable of authorising (or declining) a parental request.

Further information is available from the Information Commissioner's Office (ICO) on the link below:

<https://ico.org.uk/for-the-public/schools/pupils-info/>

## **Appendix E Retention of Records**

Pupils' files shall be forwarded to the next school if the pupil is remaining in compulsory education.

Having left at 16 or 18 the files will be retained for 7 years.

Staff files will be retained for 6 years after the departure of the member of staff.

Application forms of unsuccessful candidates will be retained for one year after interviews.

File records will be destroyed as confidential waste after the relevant time period.