

Data Protection Policy

October 2026

Review October 2028

Statement of intent

Exceptional Ideas Ltd is required to keep and process certain information about its staff members, students, their families, and external contractors in accordance with its legal obligations under data protection legislation.

The school may, from time to time, be required to share personal information about its staff or students with other organisations; the LA (Local Authority), DfE (Department for Education), other schools and educational bodies, and potentially children's services.

This policy is in place to ensure all staff are aware of their responsibilities and outlines how the school complies with the following core principles of the UK GDPR (General Data Protection Regulation).

Organisational methods for keeping data secure are imperative and the school believes that it is good practice to keep clear practical policies, backed up by written procedures.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The UK General Data Protection Regulation (UK GDPR)
- Freedom of Information Act 2000
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2018)
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- School Standards and Framework Act 1998
- Data Protection Act 2018
- Protection of Freedoms Act

This policy also has regard to the following guidance:

- ICO (2021) 'Guide to the UK General Data Protection Regulation (UK GDPR)'
- DfE (2018) 'Data Protection: A Toolkit for Schools'
- ICO (2012) 'IT Asset Disposal for Organisations'

This policy operates in conjunction with the following school policies:

- Data and Cyber-Security Breach Prevention and Management Plan
- Freedom of Information Policy and Model Publication Scheme
- Surveillance and CCTV Policy
- Child Protection and Safeguarding Policy
- Data Handling Procedures Policy
- Records Management Policy

2. Applicable data

For this policy, 'personal data' refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g., an IP address. The UK GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

'Sensitive personal data' is referred to in the UK GDPR as 'special categories of personal data,' and is defined as:

- Genetic data.
- Biometric data.
- Data arising from AI use.
- Data concerning health.
- Data concerning a person's sex life.
- Data concerning a person's sexual orientation.
- Personal data which reveals:
    - Racial or ethnic origin.
    - Political opinions.
    - Religious or philosophical beliefs.
    - Trade union membership.

In accordance with the requirements outlined in the UK GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- 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 incompatible with the initial purposes.
- Adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary kept up to date; every reasonable step must be taken to ensure that personal data that is inaccurate, is erased, or rectified without delay.
- 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 UK GDPR in order to safeguard the rights and freedoms of individuals.
- 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.

The UK GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with” the above principles.

Use of AI in school:
Personal data should **not** be entered into public AI tools.

Staff must avoid uploading:
- Learner names;
- Behaviour or safeguarding notes;
- SEND profiles;
- Assessment information.

Exceptional Ideas Ltd complies with UK data protection law and is transparent about any automated decision-making or profiling.

Staff must complete DFE training modules 1,2 3 and 4 covering the safe use of AI in schools. (The link for this training is below)

Using AI in education settings: support materials - GOV.UK

3. Accountability

The school will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the UK GDPR, and will provide comprehensive, clear and transparent privacy policies.

Records of activities relating to higher risk processing will be maintained, such as the processing of activities that:

- Are not occasional.
- Could result in a risk to the rights and freedoms of individuals.
- Involve the processing of special categories of data or criminal conviction and offence data.

Internal records of processing activities will include the following:

- Name and details of the organisation.
- Purpose(s) of the processing.
- Description of the categories of individuals and personal data.
- Retention schedules.
- Categories of recipients of personal data.
- Description of technical and organisational security measures.
- Details of transfers to third countries, including documentation of the transfer mechanism safeguards in place.

DPIAs will be used to identify and reduce data protection risks, where appropriate.

4. Data protection officer (DPO)

Schools are required to appoint a DPO who will be the central point of contact for all data subjects and others in relation to matters of data protection.

The DPO will be appointed in order to:

- Inform and advise the school and its employees about their obligations to comply with the UK GDPR and other data protection laws.
- Monitor the school's compliance with the UK GDPR and other laws, including managing internal data protection activities, advising on DPIAs, conducting internal audits, and providing the required training to staff members.
- Cooperate with the ICO and act as the first point of contact for the ICO and for individuals whose data is being processed.

The DPO is responsible for:

- Coordinating a proactive and preventative approach to data protection.
- Calculating and evaluating the risks associated with the school's data processing.
- Having regard to the nature, scope, context, and purposes of all data processing.
- Prioritising and focusing on riskier activities, e.g. where special category data is being processed.
- Promoting a culture of privacy awareness throughout the school community.
- Carrying out ad hoc reviews of data practices to ensure staff understand and are acting in accordance with relevant data protection laws.

Staff will ensure that they involve the DPO in all data protection matters closely and in a timely manner.

5. Lawful processing

The legal basis for processing data will be identified and documented prior to data being processed. Under the UK GDPR, data will be lawfully processed under the following conditions:

- The consent of the data subject has been obtained.
- Processing is necessary for a contract held with the individual, or because they have asked the school to take specific steps before entering into a contract.
- Processing is necessary for compliance with a legal obligation (not including contractual obligations).
- 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.
- Processing is necessary for protecting vital interests of a data subject or another person, i.e. to protect someone's life.
- Processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject – this condition is not available to processing undertaken by the school in the performance of its tasks.

The school will only process personal data without consent where any of the above purposes cannot reasonably be achieved by other, less intrusive means or by processing less data.

Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject.
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent.
- Processing relates to personal data manifestly made public by the data subject.
- Processing is necessary for:
    - Carrying out obligations under employment, social security or social protection law, or a collective agreement.
    - Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent.
    - The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity.
    - Reasons of substantial public interest with a basis in law which is proportionate to the aim pursued and which contains appropriate safeguards.
    - The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services with a basis in law.
    - Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices.
    - Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with a basis in law.
- When none of the above apply, consent will be obtained by the data subject to the processing of their special category personal data.

For personal data to be processed fairly, data subjects must be made aware of the privacy notices available and utilised by the organisation.

The school has privacy notices for the following groups, which outline the information above that is specific to them:

- Prospective employees.
- Students and their families.
- School workforce.

6. Consent

Consent must be a positive indication expressly confirmed in words. It cannot be inferred from silence, inactivity, a positive action without words or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Consent can be withdrawn by the individual at any time.

Where consent is given, a record will be kept documenting how and when consent was given, and what the data subject was told.

The school ensures that consent mechanisms meet the standards of the UK GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the UK GDPR; however, acceptable consent obtained under the DPA will not be reobtained.

When students and staff join the school, the staff member or student (or, where appropriate, student's parent) will be required to complete a consent form for personal data use. This consent form deals with the taking and use of photographs and videos, amongst other things. Where appropriate, third parties may also be required to complete a consent form.

Where the school opts to provide an online service directly to a child, the child is aged 13 or over, and the consent meets the requirements outlined above, the school obtains consent directly from that child; otherwise, consent is obtained from whoever holds parental responsibility for the child, except where the processing is related to preventative or counselling services offered directly to children. In all other instances with regard to obtaining consent, an appropriate age of consent is considered by the school on a case-by-case basis, taking into account the requirements outlined above.

7. The right of access

Individuals, including children, have the right to obtain a copy of their personal data as well as other supplementary information, including confirmation that their data is being processed, and the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing. The school will verify the identity of the person making the request before any information is supplied. See Freedom of Information Request Policy.

8. The right to rectification

Individuals, including children, are entitled to have any inaccurate or incomplete personal data rectified.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

Requests for rectification will be investigated and resolved, where appropriate, free of charge; however, the school may impose a 'reasonable fee' to cover the administrative costs of complying with requests that are manifestly unfounded or excessive or if an individual makes multiple requests at once. The school reserves the right to refuse to process requests for rectification if they are manifestly unfounded or excessive or if exemptions apply.

The school will take reasonable steps to ensure that data is accurate or is rectified if inaccurate, implementing a proportional response for data that has a significant impact on the individual, e.g. if significant decisions are made using that data. The school will restrict processing of the data in question whilst its accuracy is being verified, where possible.

Where the personal data in question has been disclosed to third parties, the school will inform them of the rectification where possible. Where appropriate, the school will inform the individual about the third parties to whom the data has been disclosed.

Where no action is being taken in response to a request for rectification, or where the request has been investigated and the data has been found to be accurate, the school will explain the reason for this to the individual and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

9. The right to erasure

Individuals, including children, hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. Individuals, including children, have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected or processed.
- When the individual withdraws their consent where consent was the lawful basis on which the processing of the data relied.
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing.
- The personal data was unlawfully processed.
- The personal data is required to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to the offer of information society services to a child.

The school will comply with the request for erasure without undue delay and at the latest within one month of receipt of the request.

The school has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information.
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes.
- The establishment, exercise or defence of legal claims.

The school has the right to refuse a request for erasure for special category data where processing is necessary for:

- Public health purposes in the public interest, e.g. protecting against serious cross-border threats to health.
- Purposes of preventative or occupational medicine, the working capacity of an employee, medical diagnosis, the provision of health or social care, or the management of health or social care systems or services.

Requests for erasure will be handled free of charge; however, the school may impose a 'reasonable fee' to cover the administrative costs of complying with requests that are manifestly unfounded or excessive or if an individual makes multiple requests at once.

As a child may not fully understand the risks involved in the processing of data when consent is obtained, special attention will be given to existing situations where a child has given consent to processing and they later request erasure of the data, regardless of age at the time of the request.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so. Where personal data has been made public within an online environment, the school will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

10. The right to restrict processing

Individuals, including children, have the right to block or suppress the school's processing of personal data.

The school will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until the school has verified the accuracy of the data.
- Where an individual has objected to the processing and the school is considering whether its legitimate grounds override those of the individual.
- Where processing is unlawful, and the individual opposes erasure and requests restriction instead.
- Where the school no longer needs the personal data, but the individual requires the data to establish, exercise or defend a legal claim.

In the event that processing is restricted, the school will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future. The school will inform individuals when a restriction on processing has been lifted.

Where the school is restricting the processing of personal data in response to a request, it will make that data inaccessible to others, where possible, e.g. by temporarily moving the data to another processing system or unpublishing published data from a website.

If the personal data in question has been disclosed to third parties, the school will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

The school reserves the right to refuse requests for restricting processing if they are manifestly unfounded or excessive or if exemptions apply. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

11. Data protection by design and default

The school will act in accordance with the UK GDPR by adopting a data protection by design and default approach and implementing technical and organisational measures which demonstrate how the school has considered and integrated data protection into all aspects of processing activities. In line with the data protection by default approach, the school will ensure that only data that is necessary to achieve its specific purpose will be processed.

The school will implement a data protection by design and default approach by using a number of methods, including, but not limited to:

- Considering data protection issues as part of the design and implementation of systems, services and practices.
- Making data protection an essential component of the core functionality of processing systems and services.
- Automatically protecting personal data in school ICT systems.
- Implementing basic technical measures within the school network and ICT systems to ensure data is kept secure.
- Promoting the identity of the DPO as a point of contact.
- Ensuring that documents are written in plain language so individuals can easily understand what is being done with personal data.

12. Data Protection Impact Assessments (DPIAs)

DPIAs will be used in certain circumstances to identify the most effective method of complying with the school's data protection obligations and meeting individuals' expectations of privacy. DPIAs will allow the school to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to the school's reputation which might otherwise occur. A DPIA will be carried out when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals, and will be used for more than one project, where necessary.

High-risk processing includes, but is not limited to, the following:

- Systematic and extensive processing activities, such as profiling.
- Large-scale processing of special categories of data or personal data which is in relation to criminal convictions or offences.

The school will ensure that all DPIAs include the following information:

- A description of the processing operations and the purposes.
- An assessment of the necessity and proportionality of the processing in relation to the purpose.
- An outline of the risks to individuals.
- The measures implemented in order to address risk.

Where a DPIA indicates high risk data processing, the school will consult the ICO to seek its opinion as to whether the processing operation complies with the UK GDPR.

13. Data breaches

The term ‘personal data breach’ refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The headteacher will ensure that all staff are made aware of, and understand, what constitutes a data breach as part of their training.

Effective and robust breach detection, investigation and internal reporting procedures are in place at the school, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.

Where the school faces a data security incident, the DPO will coordinate an effort to establish whether a personal data breach has occurred, assess the significance of any breach, and take prompt and appropriate steps to address it.

All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of the school becoming aware of it. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed, and the individuals concerned will be contacted directly. A ‘high risk’ breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority. The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis. In the event that a breach is sufficiently serious, the public will be notified without undue delay.

Within a breach notification to the supervisory authority, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned.
- The name and contact details of the DPO.
- An explanation of the likely consequences of the personal data breach.
- A description of the proposed measures to be taken to deal with the personal data breach.
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects.

Where notifying an individual about a breach of their personal data, the school will provide specific and clear advice to individuals on the steps they can take to protect themselves and their data, where possible and appropriate to do so.

The school will ensure all facts regarding the breach, the effects of the breach and any decision-making processes and actions taken are documented in line with the UK GDPR accountability principle and in accordance with the Records Management Policy.

Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.

The school will work to identify the cause of the breach and assess how a recurrence can be prevented, e.g. by mandating data protection refresher training where the breach was a result of human error.

14. Data security

Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site. Where digital data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use. Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted. All electronic devices are password-protected to protect the information on the device in case of theft. Where possible, the school enables electronic devices to allow the remote blocking or deletion of data in case of theft.

Where possible, staff will not use their personal laptops or computers for school purposes. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient. Circular emails to parents are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients. When sending confidential information, staff will always check that the recipient is correct before sending.

Before sharing data, all staff will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from the school premises accepts full responsibility for the security of the data.

Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of the school containing sensitive information are supervised at all times.

The physical security of the school's buildings and storage systems, and access to them, is reviewed on a termly basis. If an increased risk in vandalism, burglary or theft is identified, extra measures to secure data storage will be put in place.

The school will regularly test, assess and evaluate the effectiveness of any and all measures in place for data security.

When disposing of data, paper documents will be shredded, and digital storage devices will be physically destroyed when they are no longer required. ICT assets will be disposed of in accordance with the ICO's guidance on the disposal of ICT assets.

The school holds the right to take the necessary disciplinary action against a staff member if they believe them to be in breach of the above security measures.

15. Safeguarding

The school understands that the UK GDPR does not prevent or limit the sharing of information for the purposes of keeping children safe.

The school will ensure that information pertinent to identify, assess and respond to risks or concerns about the safety of a child is shared with the relevant individuals or agencies proactively and as soon as is reasonably possible. Where there is doubt over whether safeguarding information is to be shared, especially with other agencies, the DSL will ensure that they record the following information:

- Whether data was shared.
- What data was shared.
- With whom data was shared.
- For what reason data was shared.
- Where a decision has been made not to seek consent from the data subject or their parent.
- The reason that consent has not been sought, where appropriate.

The school will aim to gain consent to share information where appropriate; however, will not endeavour to gain consent if to do so would place a child at risk. The school will manage all instances of data sharing for the purposes of keeping a child safe in line with the Child Protection and Safeguarding Policy.

16. Publication of information

The school publishes a publication scheme on its website outlining classes of information that will be made routinely available, including:

- Policies and procedures.
- Minutes of meetings.
- Annual reports.
- Financial information.

Classes of information specified in the publication scheme are made available quickly and easily on request.

The school will not publish any personal information, including photos, on its website without the permission of the affected individual. When uploading information to the school website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

17. CCTV and photography

The school understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles.

The school will always indicate its intentions for taking photographs of students and will retrieve permission before publishing them. If the school wishes to use images or video footage of students in a publication, such as the school website, prospectus, or recordings of school plays, written permission will be sought for the particular usage from the parent of the

student. Precautions, as outlined in the Photography Policy, are taken when publishing photographs of students, in print, video or on the school website.

Images captured by individuals for recreational or personal purposes, and videos made by parents for family use, are exempt from the UK GDPR.

Parents and others attending school events are able to take photographs and videos of those events as long as they are for domestic purposes only. Photographs or videos being used for any other purpose are prohibited to be taken by parents or visitors to the school.

The school asks that parents and others do not post any images or videos which include any child other than their own child(ren) on any social media or otherwise publish those images or videos.

18. Data retention

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former students or employees of the school may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. Records relating to interviewed applicants for recruitment will be held for 3 years. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained. See Data map table.

19. DBS data

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication. Data provided by the DBS will never be duplicated. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

20. Monitoring and review

This policy is reviewed every two years by the DPO.

The next scheduled review date for this policy is October 2028.