

A loss of personal data may result from:

- *Loss, or theft of confidential data or equipment on which such data is stored*
- *Unauthorised use of, access to or modification of data or information systems*
- *Attempts (failed or successful) to gain unauthorised access to information or I.T systems*
- *Unauthorised disclosure of special category/confidential data*
- *Hacking attack*
- *Unforeseen circumstances such as a fire or flood*
- *Human error*
- *Blagging offences where information is obtained by deceiving the organisation who holds it.*

The investigation will need take into account the following:

- *The type of data involved;*
- *It's sensitivity;*
- *The protection in place ( e.g encryption);*
- *What's happened to the data, has it been lost or stolen;*
- *Whether the data could be put to illegal or inappropriate use;*
- *Who the individuals are, the number affected and the potential effects on those data subjects;*  
*and*
- *Whether there are wider consequences to the breach.*

Any data breach must be reported to those affected, including a description of how and when the breach occurred and the data involved. Specific and clear advice will be given on what they can do to protect themselves, and will also include what action has already been taken to mitigate the risks. Those affected will also be provided with a way in which they can contact the school for further information or to ask questions about what has occurred.

A breach deemed particularly serious, using the aforementioned criteria will be reported to the Information Commissioner within 72 hours.

If you have any concerns about how we are collecting or processing your data you forward them directly to the Information Commissioner: <https://ico.org.uk/concerns>

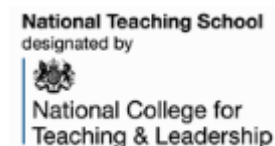


## GDPR

# A guide for parents & families



"Before I write my name on the board, I'll need to know how you're planning to use that data."



### **What is GDPR?**

GDPR stands for General Data Protection Regulation. It is an EU regulation, which will become embedded in UK Law through the new Data Protection Act 2018. GDPR covers data processing and data security. The new legislation comes into effect on 25 May 2018.

### **Why does it matter?**

It applies to anyone who manages or processes personal data. As a school we manage and process personal data, therefore we need to comply with the requirements of GDPR.

It applies not only to data activities that take place in the EU, but also to processes outside the EU when they involve data belonging to people who live in the EU.

### **Changes to current legislation**

**Personal data** – The definition under GDPR is more detailed.

**Accountability** – GDPR requires school to not just to comply, but also to record what we are doing (and why), and to be able to demonstrate this to other people.

**Individual rights** – GDPR introduces a new focus on the information rights for individuals.

**Consent** – GDPR requires an active 'opt in' approach to data collect and processing. Where we are undertaking a legal obligation we don't require this 'opt in' e.g. information that we are required to collect and send to the Department of Education as part of census collection.

**Children** – Under 13 yrs old need parental consent for processing their data.

### **What is personal data?**

Under GDPR 'personal data' means any information that identifies you as an individual or data subject for example your name, an identification number, your address etc.

### **What is sensitive personal data under GDPR?**

Sensitive personal data becomes 'special category data' under GDPR. This could be:

- *Racial or ethnic origin, political opinions, religious or philosophical beliefs; trade union membership; data concerning health or data concerning a natural person's sex life or sexual orientation*

Processing of this 'special categories' of data can only be done so when we meet certain conditions for processing such as fulfilling a legal obligation.

### **New individual rights**

GDPR creates some new rights for individuals, in certain circumstances, and strengthens some of the rights that currently exist:

- The right to be informed
- The right of access
- The right to rectification
- The right to erase data
- The right to restrict processing
- The right to data portability
- The right to object

### **Children's rights**

GDPR is enhancing the protection of children's personal data.

A child can consent to the processing of their data when they are 13 years old. The child has to have capacity to consent, so if they have a learning disability they may not have capacity to consent.

### **Apps**

When we use Apps in school where pupil/parent data is being uploaded, we need to ensure there is a legal agreement between the school and the App provider. This helps to ensure that the provider protects and processes the data responsibly.

### **Loss of Personal Data**

In the event that your personal data is lost we have an obligation to investigate and address that loss within 24 hours. The loss will be investigated by our Designated Protection Officer (DPO - Gateshead City Council); Lead Investigating Officer (LIO) and Head of School Dominic Martin.