

# Data Protection Policy

<b>Version</b>	4.3
<b>Approving Body</b>	Trust Board
<b>Date ratified</b>	25 September 2025
<b>Date issued</b>	1st October 2025
<b>Review date</b>	30th September 2026
<b>Owner</b>	Data Protection Officer
<b>Applies to</b>	All Trust Schools, all Trust staff

<b>Version</b>	<b>Date</b>	<b>Reason</b>
1.0	September 2015	To establish a Trust wide policy
2.0	June 2018	To replace previous Data Protection Policy following the introduction of GDPR
3.0	October 2020	To bring in line with the model policy from Judicium
4.0	September 2023	Updated using new Judicium model
4.1	April 2024	Updated to reflect internal DPO
4.2	September 2024	Periodic review - review cycle changed to annual. New Appendix 8 - Generative AI Policy
4.3	September 2025	Periodic review - minor updates to various appendices

## **Data Protection Policy**

### **Introduction**

The UK General Data Protection Regulation (UK GDPR) ensures a balance between an individual's rights to privacy and the lawful processing of personal data undertaken by organisations in the course of their business. It aims to protect the rights of individuals about whom data is obtained, stored, processed or supplied and requires that organisations take appropriate security measures against unauthorised access, alteration, disclosure or destruction of personal data.

The Trust will protect and maintain a balance between data protection rights in accordance with the UK GDPR. This policy sets out how we handle the personal data of our pupils, parents, suppliers, employees, workers and other third parties.

This policy does not form part of any individual's terms and conditions of employment with the Trust and is not intended to have contractual effect. Changes to data protection legislation will be monitored and further amendments may be required to this policy in order to remain compliant with legal obligations.

All members of staff are required to familiarise themselves with its content and comply with the provisions contained in it. Breach of this policy will be treated as a disciplinary offence which may result in disciplinary action under the Trust's Disciplinary Policy and Procedure up to and including summary dismissal depending on the seriousness of the breach.

### **Section 1 – Definitions**

#### **Personal data**

Personal data is any information relating to an individual where the individual can be identified (directly or indirectly) from that data alone or in combination with other identifiers we possess or can reasonably access. This includes special category data and pseudonymised personal data but excludes anonymous data or data that has had the identity of an individual permanently removed.

Personal data can be factual (for example, a name, email address, location or date of birth) or an opinion about that person's actions or behaviour.

Personal data will be stored either electronically or as part of a structured manual filing system in such a way that it can be retrieved automatically by reference to the individual or criteria relating to that individual.

#### **Special Category Data**

Previously termed "Sensitive Personal Data", Special Category Data is similar by definition and refers to data concerning an individual Data Subject's racial or ethnic origin, political or religious beliefs, trade union membership, physical and mental health, sexuality, biometric or genetic data and personal data relating to criminal offences and convictions.

## **Data Subject**

An individual about whom such information is stored is known as the Data Subject. It includes but is not limited to employees.

## **Data Controller**

The organisation storing and controlling such information (i.e. Initio Learning Trust) is referred to as the Data Controller.

## **Processing**

Processing data involves any activity that involves the use of personal data. This includes but is not limited to: obtaining, recording or holding data or carrying out any operation or set of operations on that data such as organisation, amending, retrieving, using, disclosing, erasing or destroying it. Processing also includes transmitting or transferring personal data to third parties.

## **Automated Processing**

Any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to an individual, in particular to analyse or predict aspects concerning that individual's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

An example of automated processing includes profiling and automated decision making. Automatic decision making is when a decision is made which is based solely on automated processing (without human intervention) which produces legal effects or significantly affects an individual. Automated decision making is prohibited except in exceptional circumstances.

## **Data Protection Impact Assessment (DPIA)**

DPIAs are a tool used to identify risks in data processing activities with a view to reducing them.

## **Criminal Records Information**

This refers to personal information relating to criminal convictions and offences, allegations, proceedings, and related security measures.

## **Section 2 – When can the Trust Process Personal Data?**

### **Data Protection Principles**

The Trust is responsible for and adhere to the principles relating to the processing of personal data as set out in the UK GDPR. The principles the Trust must adhere to are set out below.

#### **Principle 1: Personal data must be processed lawfully, fairly and in a transparent manner**

The Trust must only collect, process and share personal data fairly and lawfully and for specified purposes. The Trust must have a specified purpose for processing personal data and special category data as set out in the UK GDPR.

Before the processing starts for the first time, we will review the purposes of the particular processing activity and select the most appropriate lawful basis for that processing. We will then regularly review those purposes whilst processing continues in order to satisfy ourselves that the processing is necessary for the purpose of the relevant lawful basis (i.e., that there is no other reasonable way to achieve that purpose).

#### *Personal Data*

The Trust may only process a data subject's personal data if one of the following fair processing conditions are met: -

- The data subject has given their consent;
- The processing is necessary for the performance of a contract with the data subject or for taking steps at their request to enter into a contract;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- To perform a task in the public interest or in order to carry out official functions as authorised by law;
- For the purposes of the Trust's legitimate interests where authorised in accordance with data protection legislation. This is provided that it would not prejudice the rights and freedoms or legitimate interests of the data subject.

#### *Special Category Data*

The Trust may only process special category data if they are entitled to process personal data (using one of the fair processing conditions above) **AND** one of the following conditions are met: -

- The data subject has given their explicit consent;
- The processing is necessary for the purposes of exercising or performing any right or obligation which is conferred or imposed on the Trust in the field of employment law, social security law or social protection law. This may include, but is not limited to, dealing with sickness absence, dealing with disability and making adjustments for the same, arranging private health care insurance and providing contractual sick pay;
- To protect the data subject's vital interests;
- To meet our legal compliance obligations (other than a contractual obligation);
- Where the data has been made public by the data subject;
- To perform a task in the substantial public interest or in order to carry out official functions as authorised by law;
- Where it is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services;
- Where it is necessary for reasons of public interest in the area of public health;
- The processing is necessary for archiving, statistical or research purposes.

The Trust identifies and documents the legal grounds being relied upon for each processing activity.

### *Consent*

Where the Trust relies on consent as a fair condition for processing (as set out above), it will adhere to the requirements set out in the UK GDPR.

Consent must be freely given, specific, informed and be an unambiguous indication of the data subject's wishes by which they signify agreement to the processing of personal data relating to them. Explicit consent requires a very clear and specific statement to be relied upon (i.e. more than just mere action is required).

A data subject will have consented to processing of their personal data if they indicate agreement clearly either by a statement or positive action to the processing. Consent requires affirmative action so silence, pre-ticked boxes or inactivity will not amount to valid consent.

Data subjects must be easily able to withdraw consent to processing at any time and withdrawal must be promptly honoured.

If explicit consent is required, the Trust will normally seek another legal basis to process that data. However, if explicit consent is required, the data subject will be provided with full information in order to provide explicit consent.

The Trust will keep records of consents obtained in order to demonstrate compliance with consent requirements under the UK GDPR.

**Principle 2: Personal data must be collected only for specified, explicit and legitimate purposes**

Personal data will not be processed in any matter that is incompatible with the legitimate purposes.

The Trust will not use personal data for new, different or incompatible purposes from that disclosed when it was first obtained unless we have informed the data subject of the new purpose (and they have consented where necessary).

**Principle 3: Personal data must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed**

The Trust will only process personal data when our obligations and duties require us to. We will not collect excessive data and ensure any personal data collected is adequate and relevant for the intended purposes.

When personal data is no longer needed for specified purposes, the Trust shall delete or anonymise the data. Please refer to the Trust's Data Retention Policy for further guidance.

**Principle 4: Personal data must be accurate and, where necessary, kept up to date**

The Trust will endeavour to correct or delete any inaccurate data being processed by checking the accuracy of the personal data at the point of collection and at regular intervals afterwards. We will take all reasonable steps to destroy or amend inaccurate or out of date personal data.

Data subjects also have an obligation to ensure that their data is accurate, complete, up to date and relevant. Data subjects have the right to request rectification to incomplete or inaccurate data held by the Trust.

**Principle 5: Personal data must not be kept in a form which permits identification of data subjects for longer than is necessary for the purposes for which the data is processed**

Legitimate purposes for which the data is being processed may include satisfying legal, accounting or reporting requirements. The Trust will ensure that they adhere to legal timeframes for retaining data.

We will take reasonable steps to destroy or erase from our systems all personal data that we no longer require. We will also ensure that data subjects are informed of the period for which data is stored and how that period is determined in our privacy notices.

Please refer to the Trust's Retention Policy for further details about how the Trust retains and removes data.

**Principle 6: Personal data must be processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage**

In order to assure the protection of all data being processed, the Trust will develop, implement and maintain reasonable safeguard and security measures. This includes using measures such as: -

- Encryption;
- Pseudonymisation (this is where the Trust replaces information that directly or indirectly identifies an individual with one or more artificial identifiers or pseudonyms so that the person to whom the data relates cannot be identified without the use of additional information which is meant to be kept separately and secure);
- Ensuring authorised access on both hard copy and electronic files (i.e. that only people who have a need to know the personal data are authorised to access it);
- Adhering to confidentiality principles;
- Ensuring personal data is accurate and suitable for the process for which it is processed.

The Trust follows procedures and technologies to ensure security and will regularly evaluate and test the effectiveness of those safeguards to ensure security in processing personal data.

The Trust will only transfer personal data to third party service providers who agree to comply with the required policies and procedures and agree to put adequate measures in place.

*Sharing Personal Data*

The Trust will generally not share personal data with third parties unless certain safeguards and contractual arrangements have been put in place. The following points will be considered:

- Whether the third party has a need to know the information for the purposes of providing the contracted services;
- Whether sharing the personal data complies with the privacy notice that has been provided to the data subject and, if required, the data subject's consent has been obtained;
- Whether the third party has agreed to comply with the required data security standards, policies and procedures and implemented adequate security measures;
- Whether the transfer complies with any applicable cross border transfer restrictions; and
- Whether a fully executed written contract that contains UK GDPR approved third party clauses has been obtained.

There may be circumstances where the Trust is required either by law or in the best interests of our pupils, parents or staff to pass information onto external authorities for example, the Local Authority, Ofsted or the Department of Health. These authorities are up to date with data protection law and have their own policies relating to the protection of any data that they receive or collect.

The intention to share data relating to individuals to an organisation outside of the Trust shall be clearly defined within written notifications including details and the basis for sharing the data.

#### *Transfer of Data Outside the European Economic Area (EEA)*

The UK GDPR restricts data transfers to countries outside the EEA in order to ensure that the level of data protection afforded to individuals by the UK GDPR is not undermined.

The Trust will not transfer data to another country outside of the EEA without appropriate safeguards being in place and in compliance with the UK GDPR. All staff must comply with the Trust's guidelines on transferring data outside of the EEA. For the avoidance of doubt, a transfer of data to another country can occur when you transmit, send, view or access that data in that particular country.

#### *Transfer of Data Outside the UK*

The Trust may transfer personal information outside the UK and/or to international organisations on the basis that the country, territory or organisation is designated as having an adequate level of protection. Alternatively, the organisation receiving the information has provided adequate safeguards by way of binding corporate rules, Standard Contractual Clauses or compliance with an approved code of conduct.

### **Section 3 – Data Subject's Rights and Requests**

Personal data must be made available to data subjects as set out within this policy and data subjects must be allowed to exercise certain rights in relation to their personal data.

The rights data subjects have in relation to how the Trust handle their personal data are set out below: -

- (a) (Where consent is relied upon as a condition of processing) To withdraw consent to processing at any time;
- (b) Receive certain information about the Trust's processing activities;
- (c) Request access to their personal data that we hold (see "Subject Access Requests" at Appendix 1);
- (d) Prevent our use of their personal data for marketing purposes;

- (e) Ask us to erase personal data if it is no longer necessary in relation to the purposes for which it was collected or processed or to rectify inaccurate data or to complete incomplete data;
- (f) Restrict processing in specific circumstances;
- (g) Challenge processing which has been justified on the basis of our legitimate interests or in the public interest;
- (h) Request a copy of an agreement under which personal data is transferred outside of the EEA;
- (i) Object to decisions based solely on automated processing;
- (j) Prevent processing that is likely to cause damage or distress to the data subject or anyone else;
- (k) Be notified of a personal data breach which is likely to result in high risk to their rights and freedoms;
- (l) Make a complaint to the supervisory authority; and
- (m) In limited circumstances, receive or ask for their personal data to be transferred to a third party in a structured, commonly used and machine readable format.

If any request is made to exercise the rights above, it is a requirement for the relevant staff member within the Trust to verify the identity of the individual making the request.

### **Direct Marketing**

The Trust is subject to certain rules and privacy laws when marketing. For example, a data subject's prior consent will be required for electronic direct marketing (for example, by email, text or automated calls).

The Trust will explicitly offer individuals the opportunity to object to direct marketing and will do so in an intelligible format which is clear for the individual to understand. The Trust will promptly respond to any individual objection to direct marketing.

### **Employee Obligations**

Employees may have access to the personal data of other members of staff, suppliers, parents or pupils of the Trust in the course of their employment or engagement. If so, the Trust expects those employees to help meet the Trust's data protection obligations to those individuals. Specifically, you must: -

- Only access the personal data that you have authority to access, and only for authorised purposes;
- Only allow others to access personal data if they have appropriate authorisation;

- Keep personal data secure (for example, by complying with rules on access to Trust premises, computer access, password protection and secure file storage and destruction);
- Not remove personal data or devices containing personal data from the Trust premises unless appropriate security measures are in place (such as pseudonymisation, encryption, password protection) to secure the information;
- Not store personal information on local drives.

#### **Section 4 - Accountability**

The Trust will ensure compliance with data protection principles by implementing appropriate technical and organisational measures. We are responsible for and demonstrate accountability with the UK GDPR principles.

The Trust have taken the following steps to ensure and document UK GDPR compliance:-

#### **Data Protection Officer (DPO)**

Please find below details of the Trust's Data Protection Officer: -

Data Protection Officer: Tracy Broadbent

Address: Allenbourn Middle School (Trust Office), East Borough, Wimborne, BH21 1PL

Email: [privacy@initiolearning.org](mailto:privacy@initiolearning.org)

Telephone: 07761 045361

The DPO is responsible for overseeing this Data Protection Policy and developing data-related policies and guidelines.

Please contact the DPO with any questions about the operation of this Data Protection Policy or the UK GDPR or if you have any concerns that this policy is not being or has not been followed. In particular, you must always contact the DPO in the following circumstances: -

- (a) If you are unsure of the lawful basis being relied on by the Trust to process personal data;
- (b) If you need to rely on consent as a fair reason for processing (please see below the section on consent for further detail);
- (c) If you need to draft privacy notices or fair processing notices;
- (d) If you are unsure about the retention periods for the personal data being processed having referred to the Trust's Data Retention Policy in the first instance;

- (e) If you are unsure about what security measures need to be put in place to protect personal data;
- (f) If there has been a personal data breach;
- (g) If you are unsure on what basis to transfer personal data outside the EEA;
- (h) If you need any assistance dealing with any rights invoked by a data subject;
- (i) Whenever you are engaging in a significant new (or a change in) processing activity which is likely to require a data protection impact assessment or if you plan to use personal data for purposes other than what it was collected for;
- (j) If you plan to undertake any activities involving automated processing or automated decision making;
- (k) If you need help complying with applicable law when carrying out direct marketing activities;
- (l) If you need help with any contracts or other areas in relation to sharing personal data with third parties.

### **Personal Data Breaches**

The UK GDPR requires the Trust to notify any applicable personal data breach to the Information Commissioner's Office (ICO).

We have put in place procedures to deal with any suspected personal data breach and will notify data subjects or any applicable regulator where we are legally required to do so.

If you know or suspect that a personal data breach has occurred, do not attempt to investigate the matter yourself. Immediately contact your DPO.

### **Transparency and Privacy Notices**

The Trust will provide detailed, specific information to data subjects. This information will be provided through the Trust's privacy notices which are concise, transparent, intelligible, easily accessible and in clear and plain language so that a data subject can easily understand them. The Trust's privacy notices are tailored to suit the data subject and set out information about how the Trust use their data.

Whenever we collect personal data directly from data subjects, including for human resources or employment purposes, we will provide the data subject with all the information required by the UK GDPR. This includes the identity of the Data Protection Officer, the Trust's contact details, how and why we will use, process, disclose, protect and retain personal data. This information will be provided within our privacy notices.

Notifications shall be in accordance with ICO guidance and where relevant, be written in a form understandable by those defined as "children" under the UK GDPR.

## **Data Protection Impact Assessments (DPIAs)**

In order to achieve a privacy by design approach, the Trust conduct DPIAs for any new technologies or programmes being used by the Trust which could affect the processing of personal data. In any event, the Trust carries out DPIAs when required by the UK GDPR in the following circumstances: -

- For the use of new technologies (programs, systems or processes) or changing technologies;
- For the use of automated processing;
- For large scale processing of special category data; and
- For large scale, systematic monitoring of a publicly accessible area (through the use of CCTV).

Our DPIAs contain: -

- A description of the processing, its purposes and any legitimate interests used;
- An assessment of the necessity and proportionality of the processing in relation to its purpose;
- An assessment of the risk to individuals; and
- The risk mitigation measures in place and demonstration of compliance.

## **Record Keeping**

The Trust is required to keep full and accurate records of our data processing activities. These records include: -

- The name and contact details of the Trust;
- The name and contact details of the Data Protection Officer;
- Descriptions of the types of personal data used;
- Description of the data subjects;
- Details of the Trust's processing activities and purposes;
- Details of any third party recipients of the personal data;
- Where personal data is stored;
- Retention periods; and
- Security measures in place.

## **Training**

The Trust will ensure all relevant personnel have undergone adequate training to enable them to comply with data privacy laws.

## **Audit**

The Trust tests our data systems and processes in order to assess compliance. These are done through data audits which take place regularly in order to review use of personal data.

## **Monitoring**

We will monitor the effectiveness of this and all of our policies and procedures and conduct a full review and update as appropriate.

Our monitoring and review will include looking at how our policies and procedures are working in practice to reduce the risks posed to the Trust.

## **Section 5 – Automated Processing and Automated Decision Making**

Automated decision making is generally prohibited when a decision has a legal or similar significant effect on an individual unless:

- (a) The data subject has given explicit consent;
- (b) The processing is authorised by law; or
- (c) The processing is necessary for the performance of or entering into a contract.

If certain types of sensitive data are being processed, then (b) or (c) above will not be allowed unless it is necessary for the substantial public interest (for example, fraud prevention).

If a decision is to be based solely on automated processing, then data subjects must be informed of their right to object. This right will be explicitly brought to their attention and presented clearly and separately from other information. Further, suitable measures must be put in place to safeguard the data subject's rights and freedoms and legitimate interests.

The Trust will also inform the data subject of the logic involved in the decision making or profiling, the significance and envisaged consequences and give the data subject the right to request human intervention, express their point of view or challenge the decision.

The Trust will carry out a data protection impact assessment before any automated processing or automated decision making activities are undertaken.