General Data Protection Regulation (GDPR)
Policy and Procedures

Ratified: June 2024

Due for Review: June 2025

Contents

1. Aims

Learn By Tutor takes data protection very seriously. As such, this policy outlines the measures that I will put in place to ensure the protection of all personal and sensitive data about staff, governors, visitors, pupils and other individuals. This policy outlines a data protection by design culture within the school so that all collection, storage and processing of data, whether digital or on paper, is carried out lawfully in accordance with the General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018.

2. Legislation and Guidance

General Data Protection Regulation (GDPR) came into force in May 2018 as part of the Data Protection Act 2018 (DPA 2018) which replaces the previous Data Protection Act 1998. GDPR relates to the collection, processing and storage of personal data. This policy is based on guidance published by the Information Commissioner's Office (ICO) and the ICO's code of practice for subject access requests.

3. Definitions

Throughout this policy, the following terminology with the accompanying definitions will be used.

Terminology	Definition
processing	Any action or operation performed on personal data, such as, collecting, recording, storing, altering, using, transmitting, destroying or erasing. Processing also includes transferring personal data to third parties.
data subject	Any person about whom we hold personal data. In the case of the school this could relate to pupils, parents, staff, governors, volunteers and visitors.
personal data	Any information that relates to an identified or identifiable (either directly or indirectly), person or data subject.
sensitive data	Relates to a set of special categories that should be treated with extra security. These categories are: • Racial or Ethnic Origin Data • Political Opinions • Religious or Philosophical Beliefs • Trade Union Membership • Genetic Data • Biometric Data
data controller	Any person, agency or authority who decides how and why data is processed. In the case of this policy, the school is the data controller.
data processor	Any person, agency or authority that processes data on behalf of a data controller.
data protection officer (DPO)	The person is responsible for independent and impartial monitoring and application of laws that protect personal data within the school.
data breach	A breach of security that leads to the accidental or unlawful loss, or destruction. alteration, disclosure of or access to personal data while stored, transmitted or being processed must be reported to the Information Commissioner's Office (ICO).

Information Commissioner's Office (ICO)	A UK-based organisation responsible for upholding information rights.
data users	Those who process personal data. They must protect data in accordance with this data protection policy.
data	Information which is stored electronically, on a computer, or in certain paper-based filing systems.

4. Roles and Responsibilities

Learn By Tutor will follow the outline below for the distribution of responsibilities about GDPR within the school.

Role	Responsibility
Teachers	I comply with GDPR legislation. I undertake yearly training and regularly review the United Kingdom's website by the Department for Education for any changes.

5. Data Protection Principles

The data protection principles that I must follow in order to be compliant with GDPR state that personal data must be:

- processed lawfully, fairly and in a transparent manner;
- collected for legitimate purposes;
- relevant and limited to what is necessary in order to fulfil the purposes for which it is processed;
- kept up to date;
- stored for no longer than is necessary;
- processed in a way that ensures it is appropriately secure.

This policy outlines how I will comply with these principles.

6. Collecting Personal Data

Collecting personal data will be an inevitable part of the day-to-day business of Learn By Tutor. I will only collect personal data for specific, explicit and legitimate reasons. I will explain these reasons to the individuals when we first collect their data. To ensure that this data is handled and processed appropriately and with minimal risk, Learn By Tutor, as data controller, adheres to the guidelines outlined below.

Scenario	Procedure

Pupil Contact Records	Any data about a child is stored under a confidential file and can only be accessed by me. The invoice contains the parents/carers' email address and phone numbers only.

7. Sharing Personal Data

As with the collection of personal data, it is integral to the effective functioning of Learn By Tutor that personal data will need to be shared in certain circumstances. To ensure that personal data is shared lawfully, the following considerations must be taken into account.

Scenario	Procedure
Regulatory Bodies e.g. government agencies or healthcare	Before sharing personal data with regulatory bodies requesting access, the DPO will verify the identity of the body and investigate how they intend to use the data shared with them. Only when satisfied with the response will [School Name] share any personal data.
Suppliers or Subcontractors Requiring Access to Personal Data.	The DPO will assess all suppliers and subcontractors' ability to adhere to GDPR. All suppliers and subcontractors requiring access to personal data will read and follow the school GDPR policy.
The Police	The police will only be able to request access to data with a relevant warrant.

8. Subject Access Request (SAR)

As part of GDPR, data subjects are entitled to make a request to any organisation, such as a school, to access personal data held about them. This is known as a subject access request (SAR). Learn By Tutor therefore needs to be reasonably prepared for such an eventuality by establishing the procedure outlined below.

NB: Personal or sensitive data about a child belongs to the child. However, if a child is deemed unable to understand their rights or the implications of a SAR, or is unable to give consent, a parent or guardian can make the request on their behalf.

Subject Access Request Procedure

1) All staff (me) are trained to recognise a subject access request.
2) Staff involved in responding to a SAR clearly understand the notion of the right to access. They also know when a SAR can be refused and how to act when refusing a SAR.
3) The school (Learn By Tutor) will use the school specific SAR form. (See appendix 1)
4) Identification of the subject requesting access will be verified.
5) The school aims to respond to all SARs within one month of submission.
6) Upon receiving a valid SAR, the following procedure will be followed:
    - I will receive the SAR request and process it in the following steps:
    - A review of the SAR is carried out in order to establish the exact information requested.
    - The SAR is recorded in the school (Learn By Tutor) SAR log and reported to the DPO.
    - The DPO will send a response to the data subject to inform them that their SAR is being processed.
    - The information will be collated and the request responded to.
    - The record on the SAR log is marked as closed.

9. Photos, Video, CCTV

Learn By Tutor recognises that photos, video and CCTV images of individuals will be part of the personal data processed by the school. As a result, the following measures are adhered to to ensure the responsible handling and processing of such data.

Zoom

- Learn By Tutor uses Zoom in various locations during tutoring in order to keep students, me, and buildings safe.
- I do not record the Zoom tutoring sessions unless requested by the parent or carer,

Photos and Video

- Photos and videos taken within Learn By Tutor for public use are to be considered under GDPR.
- Any photo or video of recognisable individuals which the Learn By Tutor wishes to publish for example, on the school webpage or social media platform, will only be published with prior written consent. Written consent will be obtained via completion of written consent via email, text or a recorded verbal agreement.
- Photographs and videos captured by parents for personal use do not fall under the scope of GDPR.

10. Data Retention - Security and Storage

At Learn By Tutor only data that is adequate, purposeful, necessary and limited to what is essential will be stored. The school will ensure that any stored data will be protected from unauthorised access and data breaches through the implementation of up-to-date and well-maintained security protocols. This will guarantee the confidentiality, integrity and availability of personal data. Confidentiality means that data will only be accessed by those who are authorised to access it. The integrity will be maintained through guaranteed accuracy and suitability of all data stored; inaccurate or unsuitable data will not be retained. Availability will be maintained, meaning those that are authorised to access the personal data are able to do so as and when required.

Specific Data Type	Security Measures
paper records	All paper records stored on site will be kept in a secure and locked location. Only those authorised to access the records will be granted access to the storage location.
portable electronic devices e.g. Laptops, iPads.	All portable electronic devices will be password-protected. In the case of laptops, the hard drives will be encrypted.
papers containing personal data e.g. class lists contact sheets dinner registers	Any paperwork containing personal data will not be left unattended and in sight at any time. Teachers and other classroom staff will ensure that any paper containing personal data will be suitably stored to limit access to the data.
desktop computers within the school	All computers used in the school will be password-protected and have a timed lock function when left unattended. Staff will be required to lock their workstations when leaving them unattended at any time.
staff personal devices	Staff will not be permitted to use personal devices to access or store any personal data relating to the school.
sharing with authorised third parties	When required to share data with authorised third parties, the school and staff will make the necessary checks to guarantee it is handled securely and in line with GDPR.

11. Staff Remote Working

For remote working to comply with GDPR, Learn By Tutor implements the following procedures:

- All staff laptops will have encrypted hard drives and will be password protected.
- When working remotely and accessing the school network, staff will use a secure password; this will prevent unauthorised access to school computer systems and networks.
- Staff will only be able to use electronic devices provided by the school to work at home on any personal/sensitive data and/or access the school network.
- Staff laptops will have up-to-date antivirus software installed to prevent any malicious or unauthorised access to school records, or personal or sensitive data.
- Staff are permitted to use personal or home Wi-Fi networks but are not permitted to use public Wi-Fi when working remotely. Public Wi-Fi security is not always strong enough to prevent a data breach.

- All laptops provided by school will be encrypted and password protected. If using a USB stick to transport personal or sensitive data, this will also be encrypted.

12. Disposal of Data

Learn By Tutor will always ensure that records containing personal and/or sensitive data are disposed of safely and securely.

For example, any paper records due to be disposed of will be securely shredded, either on site, or through an approved third-party disposal service. When using a third party, it is the school's responsibility to ensure that the company guarantees the records are disposed of securely.

Any digital records containing personal data will be deleted using the internal erasure procedure of the relevant software. For example, records stored on a Windows laptop would be deleted using the Windows delete function. It is up to individuals to make sure they have deleted personal data from devices once that data is no longer relevant, or the device is being passed on.

When disposing of sensitive personal data, the school will use a file-wiping utility to remove the sensitive personal data, preventing the possible retrieval if erased, using internal procedures.

13. Compliance Monitoring

As data collection and processing changes and updates, Learn By Tutor confirms continual compliance through compliance monitoring.

14. Data Breaches

At Learn By Tutor all reasonable action will be taken to keep data handling and processing safe and secure within GDPR. However, should a data breach occur, Learn By Tutor will be prepared to handle any such breach in the manner outlined below. Potential data breaches within a school context could be the loss of a USB containing pupil assessment data or an email containing sensitive personal data could be sent to an incorrect email address.

15. Training

To guarantee continued compliance with GDPR all staff will receive data protection training as part of the induction process at Learn By Tutor

Ongoing continuing professional development (CPD) for all staff will include relevant and topical GDPR training as and when required.

GDPR Training Log		
Date	**Who**	**Training Description**
1st June 2024	Michelle Savioz	Twinkl

16. Links to Other Policies

The following policies should be read and considered in conjunction with this GDPR policy:

Policies Relevant to GDPR
• Safeguarding Policy •

17. Version Control

Version	Approved by	Date	Review Date
Version Number 1	Michelle Savioz and checked using reputable sites such as DfE.	1st June 2024	1st June 2025

18. Appendix 1

Subject Access Request Form

Title	
Surname	
First Name(s)	
Date of Birth	
Home Address	
Post Code	
Contact Telephone Number	
Email Address	
Relationship with the school	*Please circle:* Parent / Pupil / Member of staff / Governor / Volunteer / Other If other, please specify:
Identification provided To validate name and address	
Details of data request Please include as much information as possible about the data you are requesting. For example: your personal file, your child's progress data, emails sent between A and B and specific dates.	

I am requesting access to my data, as detailed above. I confirm that I am the individual named above and the data I am requesting access to is my own personal data. I have supplied the information above to aid the subject access request and also to validate my identity. I have provided identification to prove my name and address.

Signature:_____ Date: _____

19. Appendix 2

LEARN BY TUTOR - WITH MICHELLE

LEARNING

'Online Specialist in Learning & Confidence'

Data Breach Log Form	
Date of breach	
Date breach was discovered	
Cause of breach	
Description of the breach What happened? Who is involved? Other facts:	
Reported to ICO?	Yes ☐ No ☐
Date reported to ICO (If reported)	
All data subjects informed?	Yes ☐ No ☐
Remedial action	
Follow-up (if required)	
Breach reported by	

Date reported	
Report received by	