

GDPR-

General Data Protection Regulation Policy

Port Ellen Primary School & ELC

Date of last review:

October 2025

Review Date:

2027

AIM

*Port Ellen Primary is committed to protecting the personal data of all pupils, parents, carers, and staff in compliance with the UK General Data Protection Regulation (GDPR), the Data Protection Act 2018, and other relevant legislation. This policy also reflects our commitment to the **United Nations Convention on the Rights of the Child (UNCRC)**, ensuring that the handling of children's data is respectful, transparent, and prioritizes their best interests.*

Key UNCRC Articles underpinning this policy include:

- **Article 3:** *The best interests of the child must be a primary consideration in all decisions affecting them.*
- **Article 16:** *Children have the right to privacy.*
- **Article 12:** *Children have the right to express their views and be heard in matters affecting them, including data processing where appropriate.*

Purpose

This policy outlines how Port Ellen Primary collects, uses, stores, and protects personal data in accordance with GDPR principles while safeguarding children's rights as recognized by the UNCRC.

Data Protection Principles

In compliance with GDPR, Port Ellen Primary adheres to the following principles when processing personal data:

1. **Lawfulness, Fairness, and Transparency**
Personal data is processed lawfully, fairly, and transparently. Pupils and parents/carers are provided with clear information about how and why their data is collected, as required by **Article 12** of the UNCRC.
2. **Purpose Limitation**
Data is collected for specified, explicit, and legitimate purposes and is not further processed in a manner incompatible with those purposes.
3. **Data Minimization**
Only the data necessary for the specified purpose is collected and processed.
4. **Accuracy**
Personal data is kept accurate and up to date.
5. **Storage Limitation**
Data is stored only for as long as is necessary for the purpose for which it was collected.

6. **Integrity and Confidentiality**

Data is processed in a manner that ensures security, preventing unauthorized access, loss, or damage.

7. **Accountability**

We must ensure we comply with the principles, but also have appropriate processes and records in place to demonstrate compliance with GDPR.

Staff Training on GDPR

To ensure compliance with GDPR and to safeguard the personal data of pupils and staff, all employees at Port Ellen Primary receive annual training on data protection. This training includes:

- An overview of GDPR and the principles of data protection.
- Specific guidance on the handling and storage of sensitive information.
- Procedures for managing data breaches, subject access requests, and parental/pupil consent.
- Reinforcement of the importance of respecting children's rights under the UNCRC, including **Article 16 (right to privacy)**.

The school records attendance and completion of GDPR training for all staff to ensure consistent understanding and implementation of data protection policies.

Children's Rights and GDPR

Transparency and Consent

- Port Ellen Primary provides age-appropriate explanations about how their data is used to pupils, supporting their **Article 12** right to be heard and informed.
- Where consent is required (e.g., for photographs, videos, or specific processing activities), consent is sought from parents using the annual data check form and also via a letter each time a photo may be published to the wider world.

Right to Privacy

- In line with **Article 16** of the UNCRC, the school ensures that personal data about pupils, including educational, health, and behavioural information, is handled with the utmost confidentiality.

Best Interests of the Child

- Decisions about the collection, use, or sharing of data prioritize the best interests of the child, in accordance with **Article 3**.
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Data Categories Processed

The school collects and processes the following categories of personal data:

- **Pupil Data:** Name, date of birth, contact details, attendance records, academic performance, health information, and photographs.
 - **Parent/Carer Data:** Contact details, emergency contact information, and payment records (e.g., school meals, trips).
 - **Staff Data:** Employment records, qualifications, payroll information, and performance reviews.
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Data Sharing

Port Ellen Primary only shares personal data when legally required or where it is necessary to protect the wellbeing of the child. This includes:

- Sharing data with local authorities, exam boards, or healthcare professionals.
- Seeking parental or pupil consent where necessary, respecting **Article 12**.

Under no circumstances is data shared for marketing purposes or to third parties without explicit consent.

Security and Storage

- All personal data is stored securely, either electronically (protected by encryption and password protection) or physically (in locked cabinets).
 - Access to data is limited to authorized personnel only.
 - Regular audits are conducted to ensure compliance with GDPR and data security protocols.
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Data Subject Rights

Under GDPR, pupils and parents/carers have the following rights, which align with **UNCRC Articles 12 and 16**:

1. **Right to Be Informed:** Clear information about how personal data is used.
2. **Right of Access:** Request access to personal data held by the school.
3. **Right to Rectification:** Request corrections to inaccurate or incomplete data.
4. **Right to Erasure:** Request deletion of data, where applicable.
5. **Right to Restrict Processing:** Limit the way personal data is used.

6. **Right to Data Portability:** Obtain and reuse personal data for personal purposes.
7. **Right to Object:** Object to the processing of data in certain circumstances.

Requests related to these rights can be submitted to the school.

Photographs and Media

- Photographs and videos of pupils are only taken and used with parental consent.
 - Media is used strictly for educational purposes (e.g., displays, newsletters, or school website) and is shared externally only with explicit parental consent.
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Breaches of Data

In the event of a data breach, the school will:

- Notify the Information Commissioner's Office (ICO) within 72 hours if the breach poses a risk to individuals.
 - Inform affected individuals, particularly pupils and their families, when there is a high risk to their rights and freedoms.
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Monitoring and Review

This policy is reviewed annually, or sooner if necessary, to ensure compliance with changes in legislation and guidance. The school also consults with pupils and families to ensure the policy aligns with their rights under the UNCRC.

Contact Information

For independent advice, contact the **Information Commissioner's Office (ICO)** at www.ico.org.uk.

This policy ensures GDPR compliance while respecting children's rights as per the UNCRC, supporting a safe and responsible environment for personal data processing.