



## Trinity Multi Academy Trust

# Trinity MAT procedure for keeping records of data processing activities

### Scope

The policy and procedures set out in this document apply to all Trinity Multi Academy Trust establishments and organisations.

Where this policy refers to “Academy” or “Principal”, within Central Office and other establishments this should be interpreted to refer to the Head of that organisation.

This document sets out the principles for how we will endeavour to meet statutory compliance with the General Data Protection Regulation across our trust.

## 1. Introduction

Article 30 of The General Data Protection Regulation “GDPR” requires the Trinity Multi Academy Trust to maintain a record of personal data processing activities under its responsibility “processing activities.” This procedure should be read in conjunction with the Trust’s policies covering data protection, records management, record retention and data sharing.

## 2. Records of processing activities

Each establishment and central office must create and maintain a record of its processing activities (Annex A). Each establishment Principal and the Chief Executive Officer will be responsible for ensuring that this record is maintained in conjunction with the Data Protection Officer.

**Individual staff will be responsible for completing an electronic personal audit** (Personal Data Processing Audit) which will inform the record in Annex A. The record shall be held in the format seen here and located centrally and must contain all of the following information:

- the name and contact details of the controller, the controller’s representative
- the purposes of the processing
- a description of the categories of people about whom data is held “data subjects” and of the categories of personal data processed
- the categories of recipients to whom the personal data have been or will be disclosed
- where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and, in the case of transfers referred to in the second subparagraph of Article 49(1), the documentation of suitable safeguards
- where possible, the envisaged time limits for erasure of the different categories of data
- where possible, a general description of the technical and organisational security measures that are in place to protect the personal data.

## Annex A: Format of record of data processing activities

Type of Data	What personal data is stored?	How and why was it collected?	Was consent obtained?	Where is the data stored?	Is it held by a third party?	Is a GDPR compliant contract in place with the 3 <sup>rd</sup> party?	What security measures are in place?	Who has access to it?	Is it ever taken off site?	Where and why is it shared externally, if at all?	How do we ensure it is accurate and up to date?
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This record will be held centrally and must be completed by each establishment in conjunction with the Data Protection Officer.

## **Annex B: Guidance on keeping records of data processing activities**

### **Data Controller**

The Data Controller is Trinity Multi Academy Trust, Shay Lane, Halifax, HX2 9TZ.

The Data Protection Officer is Miss Anne-Marie Holdsworth.

Email:

[dataprotection@trinitymat.org](mailto:dataprotection@trinitymat.org)

The following guidance provides examples to illustrate the type of information that should be included in the record. It is not an exhaustive list.

### **Data Subject**

Your school may hold personal data about the following people:

- employees
- students and pupils
- former pupils
- professional experts and advisers
- members of school boards
- sponsors and supporters
- suppliers and service providers
- complainants, enquirers
- individuals captured by CCTV images

### **Personal Data Held**

Detail the types of personal detail held and what this consists of. For example for employees you may hold address, bank details, details of pay, performance records, information regarding any investigations, disciplinary proceedings and outcomes and information about health etc.

### **Does this include special categories of personal data?**

The GDPR defines special categories of personal data. It is important to identify these as the legal basis for processing these categories is different. The special categories of personal data are:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person
- data concerning health
- data concerning a person's sex life or sexual orientation

## **Source**

Personal data is often collected from the individual, but it may also come from the pupils' parents, other schools, outside agencies, or the Local Authority.

## **Is the individual aware you hold their personal data and why you holding it?**

State here how you made them aware. Examples of how this may have been done are through policy in staff handbook, privacy notice on data collection form or via a contract.

## **Legal Basis for holding data**

Under the GDPR personal data may only be processed if there is a legal basis for doing so. The legal basis as set out in the legislation are:

(a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes

(b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract

(c) processing is necessary for compliance with a legal obligation to which the controller is subject

(d) processing is necessary in order to protect the vital interests of the data subject or of another natural person

(e) 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

(f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Point (f) of the first subparagraph shall not apply to processing carried out by public authorities in the performance of their tasks.

## **Special categories of personal data as specified above may only be processed if:**

(a) the data subject has given explicit consent to the processing of those personal data for one or more specified purposes

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject

(c) processing is necessary to protect the vital interests of the data subject or of another natural person where the data subject is physically or legally incapable of giving consent

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other not-for-profit body with a political, philosophical, religious or trade union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the personal data are not disclosed outside that body without the consent of the data subjects

(e) processing relates to personal data which are manifestly made public by the data subject

(f) processing is necessary for the establishment, exercise or defence of legal claims or whenever courts are acting in their judicial capacity

(g) processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

(h) processing 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 on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in paragraph 3

(i) processing is necessary for 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 quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy

(j) processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

### **What do you do with the data? / What might you want to use the data for?**

We process personal data for some or all of the following reasons:

- Provide education services (including SEN), career services and extra-curricular activities to pupils; and to monitor pupils' progress and educational needs
- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils at the school
- To maintain relationships with alumni and the school community
- For the purposes of management planning and forecasting, research and statistical analysis and to enable monitoring of performance
- To monitor use of the School's IT systems in accordance with the school's acceptable use policy
- To receive information about current and prospective pupils from any educational institution that they attended, including academic records, references and information relating to outstanding fees or payment history

- For the purposes of pupil selection and to confirm the identity of prospective pupils and their parents
- To make use of photographic images of pupils in school publications and on the school website/social media in accordance with the Trust's ICT policy on taking, storing and using images of children
- To raise invoices and process payments in accordance with the school's terms and conditions
- For security purposes, and for regulatory and legal purposes (for example child protection and health and safety) and to comply with its legal obligations.
- To receive reports from any external bodies who may be working with your child
- Where otherwise reasonably necessary for the school's purposes, including to obtain appropriate professional advice and insurance for the School
- To comply with our obligation as a UK Visas and Immigration Licenced Sponsor to ensure that every pupil has permission to be in the UK
- To keep you updated about the activities of the school including by sending updates and newsletters by email and post
- To organise trips and visits both in the UK and abroad
- The school will use this information to decide what level of bursary, if any, will be awarded
- To determine the outcome of bursary applications
- To pay employees' salaries and expense claims; process pension payments; deal with any queries you may have and make such returns as HMRC may require
- To carry out equal opportunities monitoring
- To carry out and keep records of performance appraisals
- Where applicable carry out investigations and hold disciplinary and grievance meetings in compliance with the relevant policies
- To carry out general personnel administration: attendance records; medical reports and records; health and safety accident reports
- To keep records of any education and training that you have completed
- To maintain internal staff telephone and email directories
- To communicate with you via email and through newsletters
- To create pass cards
- To carry out our legal obligations to carry out Disclosure and Barring Service Checks (DBS); DfE List 99 and Police Checks; and to confirm that you are entitled to work in the UK
- To receive and provide references from past and to future employers
- To obtain appropriate professional advice and insurance
- To monitor appropriate use of our IT systems in accordance with the Acceptable Use Policy
- To respond to subject access requests
- For management planning and forecasting
- For statistical research and analysis
- To keep recruitment records and track applicant progress.

### **Who do you / might you share the data with?**

You should document data processors who have access to personal data as well as other data controllers. Potential recipients of personal data are:

- Trinity MAT central office
- Examining bodies
- Other schools
- careers service
- local and central government
- healthcare, social and welfare organisations
- police forces, courts
- current, past or prospective employers
- voluntary and charitable organisations
- business associates, professional advisers
- catering company
- suppliers of software and apps used in the classroom or elsewhere in the school
- other suppliers and service providers
- financial organisations
- press and the media

Please note that the steps set out in the Data Sharing Procedure must be followed and a Data Protection Impact Assessment must be carried out before personal data can be shared with third parties, whether they are data controllers or data processors.

### **How is the data held?**

You should document which IT systems the data are held in as well as any paper filing systems. Reference should be made to any processes in place to keep these data secure.

### **Is data ever transferred outside the EEA?**

As well as intentional transfers of data abroad when using apps and other software you must consider where the app/software stores the data and whether this is in the EEA.

Personal data should not be transferred abroad without the express consent of the Data Protection Officer.

### **Retention Period**

Please refer to the Records Management Policy to ascertain how long each type of record should be kept for.