



GDPR & Data Protection Policy

(Including Safeguarding, Information Sharing & Commissioning Schools)

Last updated: 2025

1. Purpose of this Policy

This policy outlines how the Alternative Provision (AP) collects, uses, stores, and shares personal data in accordance with:

- **UK General Data Protection Regulation (UK GDPR)**
- **Data Protection Act 2018 (DPA 2018)**
- **Education Act 1996 & 2002**
- **Children Act 1989 & 2004**
- **Working Together to Safeguard Children 2023**
- **Keeping Children Safe in Education 2024**
- **Information Sharing: Advice for Practitioners (DfE, 2024)**
- **Human Rights Act 1998**
- **Freedom of Information Act 2000** (where relevant)

The AP is a **Data Controller** for the information it processes, and at times a **Data Processor** for commissioning schools/local authorities.

2. Types of Data the AP Collects

The AP processes the following categories of data:

2.1 Personal Data

- Name, date of birth, address, contact details

- Parent/carer details
- Unique pupil numbers, attendance records
- Behaviour and pastoral information

2.2 Special Category Data (Article 9 UK GDPR)

- Medical information
- SEND needs and EHCP details
- Safeguarding information
- Ethnicity or other sensitive characteristics
- Mental health or emotional wellbeing information

2.3 Safeguarding & Welfare Data

- Information relating to risk, vulnerability or harm
- Multi-agency reports or referrals
- Records of disclosures

3. Lawful Bases for Processing

The AP processes personal data using the following UK GDPR lawful bases:

Purpose	Lawful Basis (UK GDPR)	Notes
Education provision & administration	Article 6(1)(e) – Public task	Processing is necessary to deliver education and comply with statutory duties.
Safeguarding & child protection	Article 6(1)(e) – Public task and Article 6(1)(c) – Legal obligation	APs have legal duties under Children Acts, KCSIE, Working Together.
Special category safeguarding data	Article 9(2)(g) – Substantial public interest (Safeguarding)	Supported by Schedule 1 DPA 2018 (Paragraphs 3 & 18).
SEND, medical & welfare support	Article 6(1)(e) / 9(2)(h)	Health & social care exception applies.
Photographs & marketing	Article 6(1)(a) – Consent	Explicit consent required and can be withdrawn.

Consent is not the primary lawful basis for safeguarding or education-related processing because the AP must fulfil legal duties regardless of whether consent is given.

4. When Staff Must Share Information Without Consent

Under safeguarding legislation, staff **may share information without consent** if:

1. **A child is at risk of significant harm** (Children Act 1989).
2. **There is a safeguarding or child protection concern** (Working Together 2023).
3. **Seeking consent might place the child at further risk.**
4. **A crime may have been committed.**
5. **There is a public task or legal obligation to share.**

Staff must always follow **KCSIE 2024** and internal safeguarding procedures.

Legal Justification for Sharing Without Consent

- **UK GDPR Article 6(1)(c)** – legal obligation
- **UK GDPR Article 6(1)(e)** – public task
- **UK GDPR Article 9(2)(g)** – safeguarding/public interest
- **Data Protection Act 2018, Schedule 1** – processing for safeguarding children and individuals at risk

Staff should record:

- What they shared
 - Why they shared it
 - Who it was shared with
 - Whether consent was sought, and why it was not appropriate
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5. How Information is Shared With Commissioning Schools

Alternative Provisions often educate pupils on behalf of:

- Commissioning mainstream or special schools
- Local Authorities
- Virtual Schools
- Education Welfare Services

Information is shared because commissioning schools remain responsible for the pupil on roll.

5.1 Lawful Bases

- **Article 6(1)(e)** – Public task
- **Article 6(1)(c)** – Legal obligation (Education Act requirements)
- **Article 9(2)(g)** – Substantial public interest (safeguarding & SEND)

5.2 Information We Share

The AP shares relevant and proportionate information such as:

- Attendance and behaviour
- Progress and attainment
- Safeguarding concerns
- Pastoral or welfare updates
- Incident reports
- Risk assessments
- Information for multi-agency meetings (CIN, CP, TAC)

5.3 Methods of Sharing

- Secure email (Egress/Government accredited encryption)
- CPOMS/MyConcern or equivalent safeguarding systems
- Secure cloud platforms specified in Data Sharing Agreements
- Telephone conversations where necessary and proportionate

5.4 Data Sharing Agreements (DSAs)

All commissioning arrangements include DSAs specifying:

- Purpose of the data sharing
- Lawful basis
- Retention periods
- Security measures
- Responsibilities of both parties
- How data subjects can exercise their rights

6. Data Retention

The AP follows:

- **IRO (Information Records Management Society) Education Retention Schedule**
- **Statutory safeguarding guidance**

Examples:

Record Type	Retention Period
Safeguarding records	Until the child's 25th birthday (or longer if required)
Attendance data	3 years
Incident logs	6 years
Referral documents	As required by safeguarding statutory guidance

7. Data Subject Rights

Pupils, parents, and staff have rights under UK GDPR:

- Right of access (SARs)
- Right to rectification
- Right to erasure (where appropriate—not applicable where legal obligations apply)
- Right to restrict processing
- Right to data portability (rare in education)
- Right to object
- Right to be informed

Rights may be limited where safeguarding concerns apply.

The AP may refuse requests if releasing information places a child at risk or breaches safeguarding legislation.

8. Data Security

The AP ensures:

- Secure digital systems
- Password-protected devices
- Encrypted data transfer

- Role-based access
- Staff training in data protection & safeguarding
- Clear desk and clear screen policy

Any suspected data breach must be reported to the Data Protection Lead and may require notification to the **ICO within 72 hours**.

9. Data Protection Officer (DPO)

The AP appoints a named Data Protection Officer to oversee compliance.

Name

Laura Frain

Head of Education

Tracy Chapman-Ward

Safeguarding Lead

10. Policy Review

This policy is reviewed annually or following:

- Legislative changes
- ICO guidance updates
- Significant safeguarding changes
- Organisational changes