



BALLYMENA ACADEMY

EST. 1828

Data Protection Policy

Policy ratified by Board of Governors: April 2025

Date of next Review: April 2026

[1] Introduction

At Ballymena Academy ('the School'), we believe privacy is important. We are committed to complying with our data protection obligations under the Data Protection Act 2018 (DPA) and the EU General Data Protection Regulation ('GDPR') in respect of data privacy and security.

The School will have access to a wide range of personal information and data. The data may be held in a digital format or on paper records. Personal data is defined as information which relates to a living person who can be identified from that data on its own, or when taken together with other information which is likely to come into our possession, and which provides specific information about them, their families or circumstances. This will include:-

- personal information about members of the School community, including pupils, members of staff, volunteers and parents/carers, e.g. names, addresses, contact details, health records, disciplinary records;
- curricular/academic data, e.g. class lists, pupil progress records, reports, references;
- professional records, e.g. employment history, taxation and national insurance records, appraisal records and references;
- any other information that might be disclosed by parents/carers or by other agencies working with families or staff members.

The School regards the lawful and correct treatment of personal information as vital to its successful operations and to maintaining confidence between the School and those with whom it carries out its services. To this end the School fully endorses and adheres to the Principles of Data Protection as set out in the DPA and GDPR. The School is registered as a Data Controller on the Data Protection Register held by the Information Commissioner.

[2] The Principles of Data Protection

The GDPR lays down a set of rules for the processing of personal data (both manual and electronic). It provides individuals ("Data Subjects") with rights of access and correction. The GDPR requires organisations to comply with the six data protection principles of good practice.

All personal information must be:

- 2.1 processed lawfully, fairly and in a transparent manner;
- 2.2 collected for specified, explicit and legitimate purposes only, and will not be further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or

- historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- 2.3 adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
 - 2.4 accurate and kept up to date; reasonable steps will be taken to ensure that inaccurate Personal Information is deleted or corrected without delay;
 - 2.5 not be kept for longer than is necessary for the purposes for which is it processed; and
 - 2.6 processed in a manner that ensures appropriate security of the Personal Information.

[3] Lawful, Fair and Transparent Processing

The School will, before any processing of Personal Information starts for the first time, and then regularly while it continues, process the personal information on at least one of the following bases:

3.1 Consent:

- the individual has given their express agreement to the processing of their Personal Information for one or more specific purposes;
- parental consent will be obtained for any child aged under 13 years old;

Contractual:

- the processing is necessary for the performance of a contract to which the individual is party or in order to take steps at the request of the individual prior to entering into a contract;

Legal obligation:

- the processing is necessary for compliance with a legal obligation to which the School is subject;

Vital Interests:

- the processing is necessary for the protection of the vital interests of the individual or another natural person; or

Public Interest:

- the processing is necessary for the performance of a task carried out in the public interest or exercise of official authority; or

Legitimate Interests:

- the processing is necessary for the purposes of legitimate interests of the School or a third party, except where those interests are overridden by the interests of fundamental rights and freedoms of the individual, in particular where the individual is a child.
- 3.2 except where the processing is based on consent, 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);
- 3.3 document our decision as to which lawful basis applies to help demonstrate our compliance with the data protection principles;
- 3.4 include information about both the purposes of the processing and the lawful basis for it in our relevant privacy notices which are available on the school website;
- 3.5 where Special Category Data is processed, identify a lawful special condition for processing that information and document it; and
- 3.6 where criminal offence information is processed, identify a lawful condition for processing that information and document it.

[4] Rights of the Individual

The GDPR states that individual's have the following rights in respect of the processing of their Personal Information:

4.1 The right to be informed:

- The School will keep individuals informed of its processing activities through its privacy notices which are available on the school website.

4.2 The right of access:

- An individual may make a subject access request ('**SAR**') at any time to find out more about the Personal Information which the School holds on them. All SARs must be forwarded to the Data Protection Officer.
- Requests for such information must be submitted, in writing, to the School, include a residential address and specify the information they wish to access.
- The School is required to respond to a SAR within one month of receipt but this can be extended by up to two months in the case of

complex and/or numerous requests and, in such cases, the individual will be informed of the need for such extension. The School does not charge a fee for the handling of a straightforward SAR.

4.3 The right to rectification:

- If an individual informs the School that Personal Information held by the School is inaccurate or incomplete, the individual can request that it is rectified.

4.4 The right to erasure:

- An individual is entitled to request that the School ceases to hold Personal Information it holds about them. The school is required to comply with a request for erasure unless the School has reasonable grounds to refuse.

4.5 The right to restrict processing:

- An individual is entitled to request that the School stops processing the Personal Information it holds about them in certain circumstances.

4.6 The right to data portability:

- An individual has the right to receive a copy of their Personal Information and use it for other purposes.

4.7 The right to object:

- An individual is entitled to object to the School's processing of their Personal Information.

4.8 Rights in relation to automated decision-making and profiling:

- An individual has the right to challenge any decision that is made about them on an automated basis (subject to certain exceptions).
- The School is also required to comply with certain conditions if it uses Personal Information for profiling purposes.

[5] Data Protection Officer

A Data Protection Officer (DPO) is appointed who will monitor adherence to this policy.

[6] Privacy by Design

The School has adopted the principle of privacy by design and will ensure that the definition and planning of all new or significantly changed systems that collect or process Personal Information will be subject to due consideration of privacy issues, including the completion of one or more data protection impact assessments.

[7] Data Retention and Disposal

Any Personal Information kept by the School is managed in accordance with the Department of Education Disposal of Records Schedule (<https://www.education-ni.gov.uk/publications/disposal-records-schedule>).

[8] Data Breach

A data breach is any (potential) unintended loss of control over or loss of Personal Information within the School's environment. Preventing a data breach is the responsibility of all the School staff and its workforce.

In the event of a Data Breach, the School's Data Breach Management Procedure will be implemented (appendix 1).

[9] Third-Party Services and Subcontracting

The School may decide to contract with a third party for the collection, storage or processing of data, including Personal Information.

If the School decides to appoint a third party for the processing of Personal Information, this must be regulated in a written agreement in which the rights and duties of the School and of the subcontractor are specified. A subcontractor shall be selected that will guarantee the technological and organisational security measures required in this Policy, and provide sufficient guarantees with respect to the protection of the personal rights and the exercise of those rights.

The subcontractor is contractually obligated to process Personal Information only within the scope of the contract and the directions issued by the School.

[10] Complaints

Complaints will be dealt with in line with the School's Complaints Policy.

You have the right to make a complaint at any time to the Information Commissioner's Office (ICO), the UK supervisory authority for data protection issues. The ICO's details are as follows:

The Information Commissioner's Office – Northern Ireland

3rd Floor,
14 Cromac Place,
BELFAST. BT7 2JB

Telephone: 028 9027 8757 / 0303 123 1114

Email: ni@ico.org.uk

[11] Definitions

“consent” is any freely given, specific and transparently, well-informed indication of the will of the individual, whereby the individual agrees that his or Personal Information may be processed. Particular requirements about consent can arise from the respective national laws.

“Personal Information” (sometime known as “personal data”) means any information relating to an identified or identifiable natural person. An identifiable person is one who can be identified, directly or indirectly – in particular, by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity.

“processing” means obtaining, recording, organising, storing, amending, retrieving, disclosing and/or destroying information, or using or doing anything with personal Information.

“Special Category Data” (sometime known as “sensitive personal data”) means Personal Information that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic and biometric data and the processing of data concerning health or sex life.