

Task 1 of 11

Quiz - Understanding the Law

1. On what date does the GDPR come into effect across Europe?.....

2. How many Data Protection Principles are there under the GDPR?.....

3. List as many bases (Conditions) for processing **personal data** that you can remember?

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4. Can you list some powers of the Information Commissioner as the Supervisory Body (investigative / corrective)?

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5. List any remedies a data subject could pursue for breach of his/her rights?

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Task 2 of 11 – Lawful Basis of Processing

Obtaining Consent

Consent is one of the lawful grounds for processing. Is defined in the GDPR as:

“any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her”

1. Below are some examples of how consent is sought. Firstly consider if you think the definition of consent above has been satisfied. If not, please set out any comments you have and how you think the approach could be changed to make the consent valid

Consent	Valid / Invalid	Comments
1. Writing to parents to inform them that the BBC is filming at the school on Monday during the school day and asking parents to ensure all children are suitably dressed as it is the first time this will happen. If parents have any questions or concerns about the filming then they can email or call the school to discuss this.		
2. A consent form is sent out to parents informing them that the school makes regular visit to the local farm for various educational activities and that they may be photographed and filmed for sharing on the school website. Parents are asked to sign the bottom consent slip confirming they are happy with their children participating in all of the above.		
3. A consent notice is sent to parents stating that whilst their child is at school, they may be photographed and that the images may be used on the website, social media, and with the local press. Parents are asked to tick each of the boxes which contain the media in which they consent to the image being used / appearing		

2. What steps if any do you think you should you take in your setting once a parent or pupil withdraws their consent?

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3. What should you do if a child consented to specific processing e.g. their image appearing on the school website but parents disagreed? What considerations would influence your final decision?

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Task 3 of 11 – Lawful Basis of Processing

There are 5 particular bases for processing data available to schools:

- A. Consent
- B. Performance of a contract or steps prior to entering a contract
- C. Compliance with a legal obligation
- D. Protecting vital interests of a data subject or another person
- E. Performance of a task carried out in the public interest or in the exercise of official authority invested in the controller

Below are some examples of processing which are relevant to you - please place the relevant letter of the condition for processing on which you would rely for the stated process:

Process	Processing Condition (A-E)	Comments
1. Sharing safeguarding information with the Local Authority		
2. Publishing children's photographs on the school website		
3. Sending leaflets about an afterschool club to parents via email		
4. Telling a paramedic details about a child's allergies following an accident at school whilst waiting for parents to arrive		
5. Disclosing a statement a child made to a staff member about his father to the father's solicitor for the purposes of divorce proceedings		
6. Providing parents details to a specialist music teacher from the local authority whom parents have requested specifically to teach their child violin once a week		
7. Sharing exclusion information about a child who has been permanently excluded with Governors		
8. Sharing employees details with an external payroll provider		
9. The filming of pupil in their drama A-level as part of their course work submissions which are marked externally		

Task 4 of 11

Carrying out a data audit

What evidence would you create?

Think about the template document you'd create to evidence your audit. What sections would it have? What headings would it have? How long would it be?

Remember, your objective is to evidence outcomes...

This image shows a full page of white paper with horizontal dashed lines, typical of primary school writing paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Task 5 of 11

Quiz questions

Create a 12 question quiz for your staff that evidence understanding and compliance and covers:

- Your policies/procedures
- Data security
- SARs
- Data breaches

Remember, your objective is to evidence outcomes...

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2.
3.
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11.
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Task 6 of 11

Analysing and reacting

Well done, your quiz is a success and all staff complete it. You analyse the results of the quiz and note the following:

- 90% of staff answered 7 of the 12 questions correctly
- 75% of staff answered 3 of the remaining 5 questions correctly
- 30% of staff answered the final 2 questions correctly

What do these results tell you and what steps are you going to take based upon them?

[illegible]

Task 7 of 11

Training and updating

- What methods could you use to provide staff with initial GDPR training? Think about what they need to know and how best to achieve your objective.

- How would you keep staff regularly updated throughout the year?
- What methods are available to you and who in your school could you ask for advice?

- Where would you get the content from?

- How would you keep yourself trained and updated and from where would you get the content?

Task 8 of 11 – Managing Individuals Rights

Does your setting have a set procedure on responding to requests from individuals when exercising their rights? If so how are you ensuring the request makes it way to the appropriate person, or how are you ensuring it is logged and all requests are dealt with in a consistent and compliant manner?

- If you don't have a set procedure at this time, list some of the key elements you believe this procedure should contain.

- How would you ensure your staff are aware of the procedure and that they act swiftly?

- What process have you/would you put in place for requests received over the summer break, given the requirement to respond to certain requests exercising rights is one month?

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- What steps can you take to verify the identity of the person making the request?

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- Would the response above change if it was an absent parent asking for information about his child who he/she thinks is at your school?

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- On what grounds do you think you could refuse a request for rectification or erasure?

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Task 9 of 11

Managing a data breach

A staff member downloads pupil safeguarding information onto a memory stick and loses it but doesn't tell you.

The first you hear about it is when the parent concerned tells you people have been talking about her child's safeguarding history on Facebook for the last 10 days or so.

You report to the ICO within 48 hours of the parent telling you.

What are the key issues here?

What would you have done differently?

Based on the original facts, what do you think the ICO would do?

<ul style="list-style-type: none">• Thank you for telling them?	<ul style="list-style-type: none">• Fine up to £75,000
<ul style="list-style-type: none">• Issue a formal warning?	<ul style="list-style-type: none">• Fine over £75,000

ICO Checklists:

Preparing for a personal data breach

- ☐ We know how to recognise a personal data breach.
- ☐ We understand that a personal data breach isn't only about loss or theft of personal data.
- ☐ We have prepared a response plan for addressing any personal data breaches that occur.
- ☐ We have allocated responsibility for managing breaches to a dedicated person or team.
- ☐ Our staff know how to escalate a security incident to the appropriate person or team in our organisation to determine whether a breach has occurred.

Responding to a personal data breach

- ☐ We have in place a process to assess the likely risk to individuals as a result of a breach.
- ☐ We know who is the relevant supervisory authority for our processing activities.
- ☐ We have a process to notify the ICO of a breach within 72 hours of becoming aware of it, even if we do not have all the details yet.
- ☐ We know what information we must give the ICO about a breach.
- ☐ We have a process to inform affected individuals about a breach when it is likely to result in a high risk to their rights and freedoms.
- ☐ We know we must inform affected individuals without undue delay.
- ☐ We know what information about a breach we must provide to individuals, and that we should provide advice to help them protect themselves from its effects.
- ☐ We document all breaches, even if they don't all need to be reported.

Do you have any boxes unticked? If so, what are you going to do about that?

ICO Breach Notification Report

1. Organisation Details

Name of [Trust/Academy/School]	
Data controller's registration number (if applicable)	
Data Protection Officer	
Contact Details	

2. Details of the data protection breach

Set out the details of the breach and ensure that all mandatory (*) fields are completed.

(a) * Please describe the incident in as much detail as possible.
(b) * When did the incident happen?
(c) * How did the incident happen?
(d) If there has been a delay in reporting the incident to the ICO please explain your reasons for this.
(e) What measures did the organisation have in place to prevent an incident of this nature occurring?
(f) Please provide extracts of any policies and procedures considered relevant to this incident, and explain which of these were in existence at the time this incident occurred. Please provide the dates on which they were implemented.

3. Details of the Personal Data placed at risk

Set out the details of the personal data placed at risk as a result of the breach and ensure that all mandatory (*) fields are completed.

(a) * What personal data has been placed at risk? Please specify if any financial or special category (sensitive) personal data has been affected and provide details of the extent.

(b) * How many individuals have been affected?

(c) * Are the affected individuals aware that the incident has occurred?

(d) * What are the potential consequences and adverse effects on those individuals?

(e) Have any affected individuals complained to the School / Trust about the incident?

4. Containment and recovery

Set out the details of any steps the School / Trust has taken to contain the breach and/or to recover the personal data and ensure that all mandatory (*) fields are completed.

(a) * Has the [Trust/Academy/School] taken any action to minimise/mitigate the effect on the affected individuals? If so, please provide details.

(b) * Has the data placed at risk now been recovered? If so, please provide details of how and when this occurred.

(c) What steps has the [Trust/Academy/School] taken to prevent a recurrence of this incident?

5. Training and guidance

Set out the details of any steps the [Trust/Academy/School] has taken to contain the breach and/or to recover the personal data and ensure that all mandatory (*) fields are completed.

(a) As the data controller, does the [Trust/Academy/School] provide its staff with training on the requirements of Data Protection Legislation? If so, please provide any extracts relevant to this incident here.

(b) Please confirm if training is mandatory for all staff. Had the staff members involved in this incident received training and if so when?

(c) As the data controller, does the [Trust/Academy/School] provide any detailed guidance to staff on the handling of personal data in relation to the incident you are reporting? If so, please provide any extracts relevant to this incident here.

6. Previous contact with the ICO

(a) * Have you reported any previous incidents to the ICO in the last two years?

YES / NO

(b) If the answer to the above question is yes, please provide: brief details, the date on which the matter was reported and, where known, the ICO reference number.

7. Miscellaneous

(a) Have you notified any other (overseas) data protection authorities about this incident? If so, please provide details.

(b) Have you informed the Police about this incident? If so, please provide further details and specify the Force concerned.

(c) Have you informed any other regulatory bodies about this incident? If so, please provide details.

(d) Has there been any media coverage of the incident? If so, please provide details of this.

This form was completed on behalf of [Trust/Academy/School] by:

Name:

Role:

Date and Time:

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Breach management

- Who is in your team?
- What gaps do they leave behind and who covers?
- Who does what role?
- Who leads?
- Where do you meet?

[illegible]

Task 11 of 11

Identifying behaviours

Task 11 of 11

Identifying behaviours

1. Consider staff behaviours at your school and identify those in need of change and those that need to stop.
2. Note the risks associated with each behaviour
3. Rate the need to stop/change each behaviour as low, medium or high.

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