

Safeguarding and GDPR

Navigate the conflict between safeguarding and GDPR compliance

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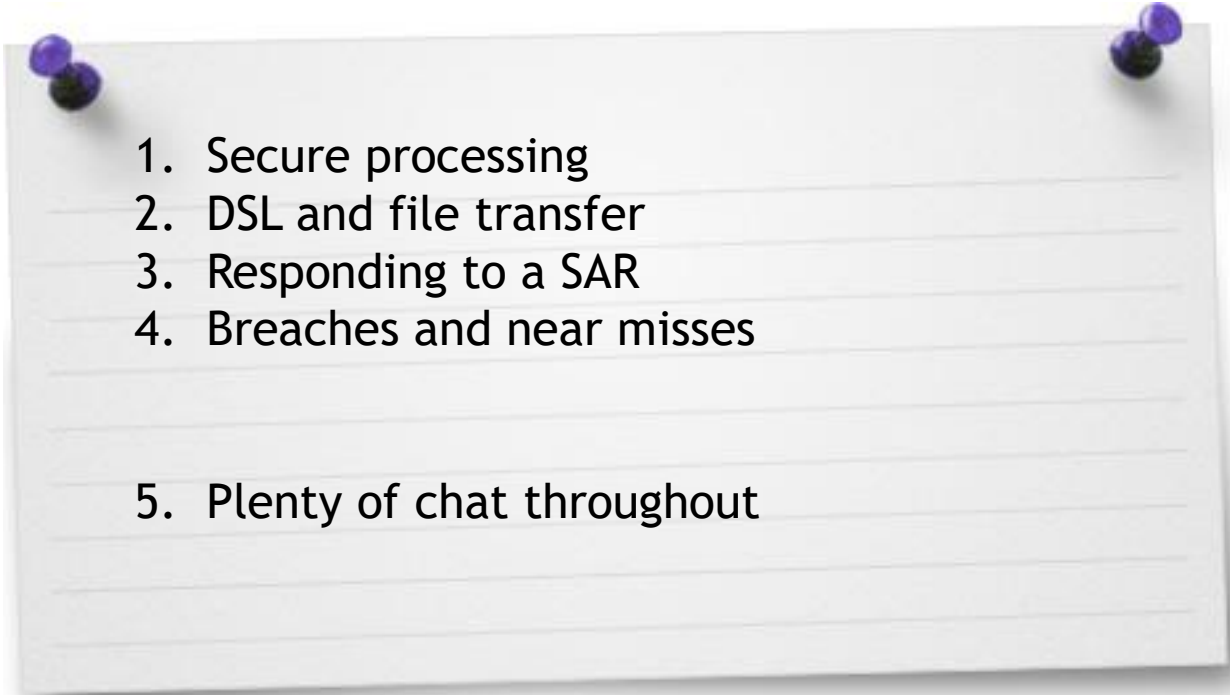
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How are we getting on?

GDPR and safeguarding

- What's your biggest worry?
- Have you had any problems...?

This session

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1. Secure processing
 2. DSL and file transfer
 3. Responding to a SAR
 4. Breaches and near misses
 5. Plenty of chat throughout

First things first...

GDPR has made little noticeable difference to how we manage safeguarding

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GDPR has made little noticeable difference to how we manage safeguarding

(assuming of course we were doing right in the first place!)

Safeguarding and GDPR

Secure processing

Secure processing

- What do I mean by “processing”?
- What do I mean by “secure”?

Accessing, sharing and retaining

- How is safeguarding information accessed in school?
 - Who has access?
 - Is it limited and properly controlled?
- How is safeguarding information shared with the LA and other agencies?
- What are your processes?

Accessing, sharing and retaining

- For how long do you store pupil safeguarding information?
 - Primary?
 - Secondary?
- How do you store it?
 - Hard copy?
 - Electronic?
- What are your processes?

Accessing, sharing and retaining

- What about secure processing?
 - When do you need to?
 - Password protection
 - Drop boxes, data rooms
 - Office 365
- Is data properly secured when it is sent to you by other agencies?

Safeguarding and GDPR

DSL and file transfer

Safeguarding file transfer - KCS 2018

- What does Keeping Children Safe in Education say about it?
- Two additions:
 1. “Receiving schools and colleges should ensure key staff such as designated safeguarding leads and SENCOs or the named person with oversight for SEN in a college, are aware as required.”

Safeguarding file transfer - KCS 2018

2. “In addition to the child protection file, the designated safeguarding lead should also consider if it would be appropriate to share any information with the new school or college in advance of a child leaving. For example, information that would allow the new school or college to continue supporting victims of abuse and have that support in place for when the child arrives.”

Safeguarding file transfer - KCS 2018

- What are the GDPR implications?
- What do we need to do to make sure we are doing it right?
- Are you doing this?
- **When** do you do it?
- **How** do you do it?

Safeguarding and GDPR

Responding to a safeguarding Subject Access Request

SARs and safeguarding

If a child or a parent makes a subject access request, does that mean you have to disclose safeguarding information you hold about that child...?

SARs and safeguarding

Serious Harm test under Data Protection Act 2018:

- exemption applies where disclosure likely to cause serious harm to the physical or mental health or condition of the data subject or another person
- Should not be used as a blanket exemption. Therefore, you need to consider on a case by case basis

Case study

Parent of 14 year old pupil makes a subject access request on behalf of that pupil

The school holds safeguarding information regarding the pupil.

Should it be disclosed or not?

How did you reach that conclusion?

Case study

Mother of an eight year old pupil makes a subject request on behalf of that pupil. There is safeguarding information including:

- Allegations by dad that mum is neglecting the child
- Information from the LA regarding concerns raised by a neighbour of the mother
- Information passed by the previous school regarding their concerns of neglect by mum and dad

Case study

What would you consider when making your decision whether to disclose?

Remember - Serious Harm test under Data Protection Act 2018:

- *exemption applies where disclosure likely to cause serious harm to the physical or mental health or condition of the data subject or another person*

Safeguarding and GDPR

Breaches and near misses with safeguarding information

Breaches and near misses

- Unlawful processing of safeguarding information or the loss of it is likely to be a very serious breach
- Possible fine (depending circumstances)
- Reputational damage
- Loss of confidence

Please note

The information contained in these notes is based on the position at November 2018. It does, of course, only represent a summary of the subject matter covered and is not intended to be a substitute for detailed advice. If you would like to discuss any of the matters covered in further detail, our team would be happy to do so.

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