

Autism Early Support Data Protection Policy

For internal use only

Created: COO

Policy Owner: COO

Company: Autism Early Support Trust Limited

Version: Version 2

Valid from: 4th September 2023

Validity to be checked: CEO

Last change: 4th September 2023

Approval: Trustees

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1. Purpose

Autism Early Support (AES) is required to process relevant personal data regarding staff, pupils and their parents/guardians as part of its operations and shall take all reasonable steps to do so in accordance with this Policy. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data. In this Policy, any reference to pupils includes current, past or prospective pupils.

2. Scope

This Policy applies directly to all AES Employees and volunteers.

3. Terms and definitions

In this Policy, the following capitalised words and expressions shall have the meaning ascribed below:

“AES” means Autism Early Support Trust Limited.

“AES Employees” means individuals who have employment with AES, board members of AES, and, to the extent applicable, consultants and employees hired via staffing companies working for AES.

4. Data protection controller

AES has appointed the COO as Data Protection Controller (DPC) who will endeavour to ensure that all personal data is processed in compliance with this Policy, the Principles of the Data Protection Act 2018, alongside the General Data Protection Regulations (GDPR).

5. The principles

This policy covers our data protection principles and commitment to common law and legislative compliance and the procedures for data protection by design and by default.

AES shall, so far as is reasonably practicable, comply with the Data Protection Principles (“the Principles”) contained in the Data Protection Act 2018 and GDPR to ensure all data is:

- Fairly and lawfully processed.
- Processed for a lawful purpose.
- Adequate, relevant and not excessive.
- Accurate and up-to-date.
- Not kept for longer than necessary.
- Processed in accordance with the data subject’s consensual preferences and rights.
- Secure.
- Not transferred to other countries without adequate protection.

6. Personal Data

Personal data covers both facts and opinions about an individual. AES may process a wide range of personal data, including biometric data, of staff, pupils, their parents or guardians, as part of its operations. This

personal data may include (but is not limited to: names and addresses, bank details, academic, disciplinary, admissions and attendance records.

7. Processing of Personal Data

Consent is required for the processing of personal data unless the processing is necessary for AES to undertake its obligations to pupils and their parents or guardians. Any information that falls under the definition of personal data, and is not otherwise exempt, will remain confidential and will only be disclosed to third parties with the consent of the appropriate individual when required by law or under the terms of this Policy.

AES maintains a Record of Processing Activities (ROPA) documenting how and where personal data is processed. This record is reviewed and updated as part of AES's audit processes.

AES will always identify and minimise data protection risks for any new project or process that involves processing personal data. When deemed necessary this is achieved through completion of a Data Protection Impact Assessment (DPIA).

8. Sensitive Personal Data

AES may, from time to time, be required to process sensitive personal data regarding a member of staff, a pupil, their parents or guardians. Sensitive personal data includes medical information and data relating to religion, race, or criminal records and proceedings. Where sensitive personal data is processed by AES, the explicit consent of the appropriate individual will generally be required in writing.

9. Rights of Access

Individuals have a right of access to information held by AES. Any individual wishing to access their personal data should put their request in writing to the DPC. AES will endeavour to respond to any such written requests as soon as is reasonably practicable, and, in any event, within 40 days of receipt of such request for access to records and 21 days to provide a reply to an access to information request.

Please note that AES may charge an administration fee of up to £15.00, at its sole discretion, for providing access to this information.

You should be aware that certain data is exempt from the right of access under the Data Protection Act. This may include information which identifies other individuals; information which AES reasonably believes is likely to cause damage or distress; or information which is subject to legal professional privilege.

AES will also treat as confidential any reference given by AES for the purpose of the education, training or employment, or prospective education, training or employment of any member of staff. AES acknowledges that an individual may have the right to access a reference relating to them received by AES. However, such a reference will only be disclosed if such disclosure will not identify the source of the reference or notwithstanding this, when the referee has given their consent or if disclosure is reasonable in all the circumstances.

10. Whose Rights

The rights under the Data Protection Act are the individual's to whom the data relates. AES will however, in most cases, rely on parental consent to process data relating to pupils, unless, given the nature of the processing in question and the pupil's age and understanding, it is unreasonable in all circumstances to rely on the parent's consent. Parents should be aware that in such situations they may not be consulted.

11. Exemptions

Certain data is exempted from the provisions of the Data Protection Act, which includes data used for the following:

- The prevention or detection of crime.
- The assessment of any tax or duty.
- Processing necessary to exercise a right or obligation conferred or imposed by law upon AES.

The above are examples only of some of the exemptions under the Data Protection Act. Any further information on exemptions should be sought from the DPC.

12. Disclosure of Information

AES may receive requests from third parties to disclose personal data it holds about a member of staff, a pupil, their parents or guardians. AES confirms that it will not generally disclose information unless the individual has given his/her consent or one of the specific exemptions under the Data Protection Act applies. However, AES does intend to disclose such data as is necessary to third parties for the following purposes:

- To give confidential information relating to a pupil to any educational institution which the pupil may attend.
- To give information relating to outstanding fees or payment history to any educational institution which the pupil may attend.
- To administer the EYFS Outcomes.
- To disclose details of a pupil's medical condition when it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips.
- For research purposes and Trust and Grant applications to support funding of the charity, as anonymous progress data.

When AES receives a disclosure request from a third party, it will take reasonable steps to verify the identity of that third party before making any disclosure.

13. Use of Personal Information by AES

AES will, from time to time, make use of personal data relating to staff, pupils, their parents or guardians in the following ways. Should you wish to limit or object to any such use, please notify the DPC in writing.

- To make use of photographic images of pupils in AES publications, on the AES website, and in local and national publications. However, AES will not publish photographs of individual pupils with their names without the express agreement of the appropriate individual.

- For fundraising, marketing or promotional purposes, and to maintain relationships with AES pupils, including transferring information to any association, society or club set up for the purpose of establishing or maintaining contact with pupils or for fundraising, marketing or promotional purposes.

14. Accuracy

AES will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the DPC of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

15. Security

AES will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians when it is necessary for them to do so. All staff will be made aware of this policy and their duties under the Data Protection Act. AES will ensure that all personal information is held securely and is not accessible to unauthorised persons. Hard copies of information containing personal data are not removed from company offices, and are stored securely.

16. Enforcement

If an individual believes that AES has not complied with this Policy or has acted otherwise than in accordance with the Data Protection Act, they should utilise AES complaints procedure and should also notify the DPC.