



# Plaistow Primary School

## INDIVIDUAL RIGHTS POLICY

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This policy is subject to changes in accordance with updates from the Information Commissioner's Office (ICO)

Should you have any questions regarding the policy please contact the Data Protection Officer on [dpo@plaistow.newham.sch.uk](mailto:dpo@plaistow.newham.sch.uk)

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## Context

Under the General Data Protection Regulations (GDPR) coming into force in May 2018, organisations are required to ensure that provision for individual rights is made. This policy outlines individual rights of those associated with Plaistow Primary school in line with these regulations.

We are committed to ensuring provision of an outstanding education to our pupils. In order to carry out its legal obligations it is required to collect personal data about the pupils and specific information about their parents.

### 1. The right to be informed

The 'right to be informed' encompasses the school's obligation to provide 'fair processing information'. We meet our obligation by issuing Privacy Notices to staff and parents. We also inform you as to how and why we collect your data and how it is used and stored. The information we provide will be:-

- Concise, transparent, intelligible and easily accessible.
- Accurate to the extent of the data collected
- Issued to parents at the start of the academic year and on enrolment
- Written in clear, plain English
- Free of charge

### 2. The right of access (Subject Access Requests)

Staff at Plaistow Primary School and parents of children attending the school have the right to obtain:-

- Confirmation of how their data is being processed
- Access to their personal data
- Other supplementary information that directly relates to them

The GDPR clarifies that the reason for allowing individuals to access their personal data is so that they are aware of, and can verify the lawfulness of, the processing. Requests for access are referred to as *Subject Access Requests* and the school's Subject Access Requests Policy and Procedures document outlines the school's approach to such requests.

### 3. The right to rectification

The GDPR gives individuals the right to have personal data rectified if it is inaccurate or incomplete. Again, this request can be made either in writing or verbally to the school outlining the inaccuracies identified. Plaistow Primary School will respond to individuals within one month. Where the request for rectification is complex, the school reserves the right to extend this timeline to two months.

In the event that the school is not taking action in response to a request for rectification we will explain to the individual, in writing, and outline the reasons for this along with their right to complain.

### **3.1 Right to rectification – third parties**

Where a third party has information about an individual that requires rectification, the school will inform those parties without undue delay.

## **4. The right to erasure**

The right to erasure is also known as the ‘right to be forgotten’. The broad principle underpinning this right is to enable an individual to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

### **4.1 When the right to erasure applies**

Individuals have the right to have personal data erased and to prevent further processing in specific circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected/processed.
- When the individual withdraws consent.
- When the individual objects to the processing and there is no overriding legitimate reason for continuing the processing.
- The personal data was unlawfully processed (ie in breach of GDPR).
- The personal data has to be erased in order to comply with a legal obligation.
- The personal data is processed in relation to information society services to a child.

Under GDPR the right to erasure is not limited to processing that causes unwarranted and substantial damage or distress. However, if the processing does cause unwarranted and substantial damage or distress the case for erasure will be strengthened. It is important to note that the right to erasure is not absolute and only applies in certain circumstances.

### **4.2 Refusal to comply with right to erasure request**

In accordance with data protection legislation, Plaistow Primary School has the right to refuse to comply with requests for erasure where the personal data is processed for the following reasons:-

- To exercise the right of freedom of expression and information.
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority.
- For public health purposes in the public interest.
- Archiving purposes in the public interest, scientific research, historical research or statistical purposes.
- The exercise or defence of legal claims.

### **4.3 The right to erasure of children’s data**

Schools have the right to collect pupil data in order to carry out its legal obligation for the performance of a public interest task. However, the GDPR enhances protection of children’s data particularly in relation to online environments. Where consent has been given and a request for erasure is later received the school will remain mindful that the initial consent may have been given without full awareness of the impact of its use.

### **4.4 Informing third parties of erasure**

Where the school has disclosed personal data to third parties we will inform those parties, without undue delay, about the personal data erasure unless it is impossible or involves disproportionate effort to do so.

Plaistow Primary School does not share personal data in any online environment.

## **5. The right to restrict processing**

Individuals have the right to block or suppress processing of personal data. In these instances Plaistow Primary School shall be permitted to store data but not to process it further.

### **5.1 When the right to restrict processing applies**

The school shall be required to restrict processing in the following circumstances:-

- Where an individual contests the accuracy of the personal data the school will restrict further processing until the accuracy of the personal data has been verified.
- Where an individual has objected to the processing (where it was necessary for the performance of a public interest task or purpose of legitimate interests), and the school is considering whether its legitimate reasons override those of the individual.
- When processing is unlawful and the individual opposes erasure and requests restriction instead.
- If the school no longer needs the data but the individual requires it to establish, exercise or defend a legal claim.

### **5.2 Informing third parties of restriction of processing**

Where personal data becomes subject to restriction of processing and has been disclosed to a third party, we will inform the third party, without undue delay, unless it is impossible or involves disproportionate effort to do so.

When the school decides to lift a restriction on processing it must inform the individual.

## **6. The right to object**

Individuals have the right to object to:-

- Processing based on legitimate reasons or the performance of a task in the public interest/exercise of official authority
- Direct marketing
- Processing for purposes of scientific/historical research and statistics

### **6.1 Compliance with the right to object for the performance of a legal task**

Individuals must have an objection on 'grounds relating to his or her particular situation'. Plaistow Primary School will stop the processing of personal data unless:-

- We can demonstrate compelling legitimate grounds for the processing, which overrides the interests, rights and freedoms of the individual; or
- The processing is for the establishment, exercise or defence of legal claims.

Individuals are informed of their right to object within the school's privacy notices. We will also inform individuals of their right to object at the point of the first communication and will be 'explicit and presented clearly'.

## Reference Guide

Related documents include:-

- ☐ Data Protection Policy
- ☐ Privacy Notices
- ☐ Subject Access Requests Policy and Procedures
- ☐ Access to information held in complaints files

