

## Novatia Note 007:

## The General Data Protection Regulation (GDPR) - getting ready

### Key Points

- **GDPR will apply in the UK from 25 May 2018**
- **Confused?**
- **Gain direction**
- **Four point checklist ...**
  - 1. Current data position**
  - 2. Get informed**
  - 3. Learn about consent**
  - 4. Appoint GDPR Officer**
- **Contact us to find out more about our forthcoming GDPR Seminar or how your School or Trust can further prepare for GDPR compliance**

**From 25 May 2018** the DPA will be replaced by the GDPR. Whilst the GDPR and Data Protection Act (DPA) might seem similar, there are some important differences that will have a real impact on the way data and information is both handled and managed at your school. What do schools need to do?

### Basic Overview

The General Data Protection Regulation expands on the DPA, going *even further* to protect people's data. This will have an impact on how all data is collected, collated, stored, accessed, used and deleted. The GDPR allows people, including children, even greater rights to access all the data held on them.

The GDPR has been developed to protect people from unsystematic and careless practice in handling personal data. The ICO are implementing it using carrot, via lots of guidance on best practice for handling data, and stick, with the ability to issue proportionate fines and, if necessary, take court action for any breaches of the regulations. It is also tightening up on laws around who is liable for data breaches and issues – head teachers / managing directors are now responsible legally and morally for data breaches.

Under the GDPR you need to be able to:

- Store data appropriately and securely
- Ensure it is accurate and can be amended
- Make provision for people's right to be forgotten and have their data deleted (as long as it doesn't conflict with other legal requirements)
- Give people a copy of their data, upon request for free; minors have new rights too to be able to access their data.

## Do Schools and other educational institutions need to worry?

Opinion is divided here. Some feel that the ICO will want to make “examples” of organisations in different sectors. Others point out that it would be politically unwise to fine schools a lot of money at a time when school budgets are a “political hot-cake”.

Our view is that the GDPR is offering an excellent opportunity to update and improve practices around collecting, storing and using data. If schools can show that they have good data handling practices in place, that they are prepared for breaches (because they will happen), and that they are able to fix any issues quickly and learn from them, the ICO will be satisfied.

Here are **FOUR significant steps** that you can take *now* to get ready for the GDPR:

### 1. Understand your current data position

A first step is to carry out a data audit.

Get a clear understanding of what exactly is being kept in each department and by individual teachers and where it is being kept.

Think about the personal data you hold on children, teachers, staff, parents, guardians, governors. Anybody you hold any data for that can identify the person falls under the GDPR.

Start to understand what data you have, who owns it, who's responsible for it and the systems you're using to store it, access it and report on it. If you don't know what you have and where it is, you can't protect it.

### 2. Get informed

There's lots of free resources and advice on the Information Commissioner's Office (ICO) website: <https://ico.org.uk/for-organisations/data-protection-reform/>.

Their advice piece, “[Preparing for the GDPR – 12 steps you can take now](#)”, is user friendly and laid out clearly.

If you get the chance, attend any seminars or briefings held by reputable companies, obtaining advice from GDPR and educational experts and raising any concerns that are relevant to your School or Trust. Sessions like these can give you practical tips as well as telling you what you need to do in the short, medium and long-term to ensure you are compliant with the GDPR.

### 3. Learn about consent—the facts not the myths

Consent is an emotive and complicated issue, especially when it comes to minors. As a result, there is a lot of misinformation out there about what the GDPR is going to do to change this.

Do read this informative blog on the ICO website, which lays bare the myths and facts about consent:

<https://iconewsblog.org.uk/2017/08/16/consent-is-not-the-silver-bullet-for-gdpr-compliance/>

A key takeaway is: **consent is one way to comply with the GDPR, but it's not the only way.**

There are many lawful bases that organisations will have for holding and processing personal data under the GDPR.

Schools will have different bases in law for holding different personal data, as they hold information on different groups of people for different reasons e.g. students, teachers, parents, governors etc.

Some of the lawful bases for holding this data will not require consent.

But how do you know what data you can hold with or without consent and which bases in law they relate to?

This goes back to our first step: know what you have, whom about, and why. Then you can start to establish the lawful basis for having and processing each piece of personal data.

#### 4. Make someone responsible for complying with the GDPR— and support them

As with any new regulation, the understanding and interpretation of the GDPR is a moving feast. It's important to ensure you are getting the most accurate information about the Act itself and then also about its interpretation as it is enforced. Therefore, your school needs one person to be responsible for keeping up with and complying with the GDPR.

Schools should already have a nominated Data Officer under the DPA and MATs should have a Data Officer. This person then has to keep heads, directors, and governors informed while also project managing activities to achieve compliance with the GDPR. Do support them in increasing their knowledge about the GDPR and working to achieve the standards it sets out.

For further information about our GDPR seminar or about how the GDPR could affect your School or Trust, see our website [www.novatia.com](http://www.novatia.com) or contact us on 01962 832632 or [info@novatia.com](mailto:info@novatia.com).