Data Matters Bulletin No 1

Introduction ....

Welcome back to the new academic year - and the introduction of our new, monthly Data Matters Bulletin. The bulletin has three simple purposes :

- reminders of key tasks to undertake
- raise issues that have occurred and recommend solutions
- general advice related to data matters

This is being sent to Principals and Heads, Heads of Academies, Central Services and Administrative Staff. Please feel free to circulate this to all staff you feel would benefit from it.

Reminder ...

Please check your contact details for the DPO and update them where necessary. The current details are :

Tel : 0845 8621967

Mobile : 07483 288202

E-mail : CBellis01@theharmonytrust.org (for Trust Staff) OR contact@illuminatelearning.org (for other schools).

Key Tasks This Half Term ...

Ref	What	By When
1	New Staff Issued With New Staff Data Pack	Within First Two Weeks
2	New Staff Undertake GDPR Induction Training	Within the First Half-term After Appointment
3	Remind Staff of How To Report A Data Breach (or suspected breach)	By End of September
4	All Staff Issued With A Staff Privacy Notice	By Half Term (*)
5	Make Staff Aware of the Data Compliance Framework	Following Visit of the DPO This Term
6	Issue ALL Staff With Updated Factsheet on Personal Data	As Soon As It Is Available In Schools (*)

(*) To Be Available to Schools By Friday 17th September

New Materials ...

Over the summer we have updated many of our materials / resources / factsheets to ensure they comply with the UK GDPR.

Sets of these materials will be in all academies / schools by Monday 20th September. These include (but not limited to) :

- What Is Personal Data (Factsheet and Poster)
- Looking Out for Data Scams (Poster)
- Keeping Confidential Data Safe (Poster)
- 10 Simple Steps to Getting Started With Data Management (Leaflet)
- Staff Introduction to Data Management and the UK GDPR (Booklet)
- Key Data Management Links (Postcard)

PDF versions of all these are also available on the data portal to view and download.

Important Reminders and Actions ....

Earlier this year an individual (parent) made a referral to the ICO to say that their data had been shared without their consent. This was related to an email sent out by an academy to a group of parents. The academy sent it out using the 'To :' option in Outlook. This meant that all recipients were able to see everyone else who it had been sent to - and their email address.

Whilst this was a simple administrative error, the ICO upheld the complaint and have asked that we remind all staff that by sharing someone's email address without their consent we are in fact breaching the requirements of the UK GDPR.

So - PLEASE remind all of your staff to only use the 'BCC:' option when sending out emails externally. This option means that you cannot see who the email has also been sent to.

However - this does **NOT** apply when sending emails internally.

The UK GDPR - Changes …

The introduction of the UK GDPR in January this year has brought with it some changes to the requirements for managing data safely.

There are three aspects that I want to mention specifically.

1. The Requirement to Test Knowledge

The revised requirements mean that we now need to 'test' the knowledge of staff who have undertaken any training in data management.

So, from now on, when staff have undertaken their induction training they will be required to undertake a short online 'test'. This is a short multiple choice style test which takes no more than 5 - 10 minutes to complete.

Each staff member will be required to undertake this within 7 days of undergoing their induction training. In addition, they will need to record the result and be able to evidence it should a data issue occur. A copy of the result is automatically recorded by the DPO. There are no limits to how many times you can undergo the test - so you can always improve your score if you need to. However, the questions are really simple and not intended to trick or catch people out.

2. E-mails and Document Retention …

One of the more challenging aspects of the act is the principle that all emails should adhere to the same retention policies and practice that other forms of documentation do.

So - this means that if you would keep a financial record for 6 years, then any emails related to finance must also be retained for the same period. Additionally, the deletion of the record must also be undertake in a secure manner.

We are aware that this requirement is challenging and raises many questions. Over the course of this term, we will be providing guidance and advice on how to put this requirement into practice in a simple way.

3. Appointment of Contractors

Under the 'old' rules we had to review all possible contractors to ensure their procedures met data safety requirements. Under the UK GDPR we are now required to undertake a Data Protection Impact Assessment which will identify if an additional (or supplemental) data protection contract is required.

Again, this is a significant change and we will be providing you with all you need to undertake this in a simple and easy manner. New draft data management contracts will also be available to be used.

The Children's Code …

The Children's Code (or the Age Appropriate Design Code) contains 15 standards that online services need to follow and came into UK law on the 2nd September 2021. This ensures they are complying with the their obligations under data protection law to protect children's data online.

Online services covered by the code are wide ranging and include

- apps;

- games;

- connected toys and devices; and

-news services.

The Information Commissioner's Office have provided this initial statement :

'*The transition year is up and the Children's code comes fully into force on 2 September. It's a ground breaking code that creates a better internet for children by ensuring online*

services likely to be accessed by children, respect a child's rights and freedoms when using their personal data.

As you'd expect it's already having an impact on these services. Facebook, Google, Instagram, TikTok and others have all made significant changes to their child privacy and safety measures recently.

As the first-of-its kind, it's also having an influence globally. Members of the US Senate and Congress have called on major US tech and gaming companies to voluntarily adopt the standards in the ICO's code for children in America. The Data Protection Commission in Ireland is preparing to introduce the Children's Fundamentals to protect children online, which links closely to the code and follows similar core principles.

Post 2 September the risks to children are not removed overnight, and the work doesn't stop.

We have identified that currently, some of the biggest risks come from social media platforms, video and music streaming sites and video gaming platforms. In these sectors, children's personal data is being used and shared, to bombard them with content and personalised service features.

This may include inappropriate adverts; unsolicited messages and friend requests; and privacy-eroding nudges urging children to stay online. We're concerned with a number of harms that could be created as a consequence of this data use, which are physical, emotional and psychological, and financial.

Children's rights must be respected and we expect organisations to prove that children's best interests are a primary concern. The code gives clarity on how organisations can use children's data in line with the law, and we want to see organisations committed to protecting children through the development of designs and services in accordance with the code.

We will be proactive in requiring social media platforms, video and music streaming sites and the gaming industry to tell us how their services are designed in line with the code.

We will identify areas where we may need to provide support, or should the circumstances require, we have powers to investigate or audit organisations.

Separately, we are considering how organisations in the scope of the Children's code can tackle age assurance, whether that's verifying ages or age estimation. The ICO will be formally setting out its position on age assurance in the autumn.

Our commitment to working with other regulators through the Digital Regulation Cooperation Forum (DRCF) will help ensure consistency between the code and the incoming online safety laws that will jointly protect children online.

Ultimately the Children's code will help industry innovate to ensure that the best interests of the child are a primary concern online and built into the design from the beginning. This will grow the trust between online services, children, parents and society.'

In the coming months we will be looking at what impact this may have (or has) on any of the services that schools subscribe to, or access online.

GET YOUR GDPR DATA PROTECTION IMPACT ASSESSMENT TODAY!