

Data Protection

From 25 May 2018, the Data Protection Act (DPA) will be replaced by the General Data Protection Regulation (GDPR), which will have significant implications for the way all data and information is managed within schools.

Paper-based filing cabinets, electronic records and databases of student and staff information, as well as CCTV monitoring, are all covered by the new legislation.

Under current legislation, schools have a duty to ensure that data is kept safe and secure. However, the GDPR places an increased emphasis and responsibility on schools to ensure all information is managed in compliance with the new regulations.

Non-compliance can currently see fines of up to £500,000 being imposed by the Information Commissioners Office (ICO).

The ICO is urging educational providers to start thinking about the impact the GDPR will have on them and to start putting policies and practices into place ahead of the change.

Key areas of change:

- penalties for non-compliance with the DPA include fines of up to £500,000 imposed by the ICO. However, failure to comply under the GDPR could see fines of up to £18 million;
- it will be illegal to not have a formal contract or Service Level Agreement (SLA) in place with your chosen, officially accredited ICT data-recycling partner;
- schools must be able to demonstrate they are working with an accredited company when it comes to disposing of data bearing end-of-life IT assets;
- it will be a criminal offence to choose an IT recycling partner/data processor who does not hold the minimum competencies and accreditations for IT-asset disposal (i.e. ADISA, ISO 27001, Blancco etc.).

Schools already complying with the DPA will already have some strict policies in place. However, this does not automatically ensure compliance with the new GDPR.

The ICO has published a 12-step guide explaining what needs to be done to get ready for the change:

- ensure that decision makers and key people are aware that the DPA is changing to the GDPR, the impact it will have and how the new legislation will affect schools;
- organise an information audit and document what personal staff and student data is held by the school, where it came from and who it is shared with;
- review current privacy guidance and develop a plan for making any necessary changes before 25 May 2018;
- check current procedures to ensure they cover individual rights, including how personal data will be deleted or provided electronically;



- update procedures and plan how data requests will be processed within the new timescales with additional information;
- identify the legal basis for processing data and ensure it is updated to reflect the legislation;
- review how the school seeks, obtains and records consent and whether changes are needed to the system;
- identify what systems the school will implement to verify individuals' ages and to gather parental/ guardian consent for any data-processing activity;
- review procedures to detect, report and investigate a personal-data breach;
- develop a timetable to implement privacy impact assessments;
- designate a Data Protection Officer to take responsibility for data-protection compliance;
- determine your lead data-protection supervisory authority if operating in more than one EU member state.

The NASUWT will be issuing further guidance to support school-leader members to meet the GDPR requirements.

Supply Teachers

Schools and school leaders have a key role to play in the adoption of an ethical approach for the procurement of supply teachers and in ensuring best value for public money.

According to the latest NASUWT Supply Teacher Survey, 73% of teachers obtain supply through private supply agencies.

Employment agencies pocketed £253 million in commission charges in 2014/15 alone.

Yet, according to the survey, the pay received by supply teachers ranged between £51 and £119 per day.

The NASUWT is committed to tackling the exploitation and discrimination of supply teachers by some supply agencies.

Key principles for procurement include:

- adopt a prudent approach to fees paid to agencies;
- conduct a competitive tendering process;
- explore other ways to procure supply teachers, including direct employment;
- ensure an appropriate level of payment is being given to the supply teacher;
- check that agencies comply with the law;
- keep qualified teacher status (QTS) as the minimum standard;
- make the supply teacher aware of all relevant policies and procedures.

For further information, go to www.nasuwt.org.uk.

