

# GDPR Data Protection Policy

Updated November 2023

---

## 0. Introduction

MathsMakers collects and uses personal information about its staff, volunteers and consultants, students and their guardians, and other individuals who come into contact with the organisation. This information is gathered in order to enable the organisation to provide education and other associated functions. In addition, there may be a legal requirement to collect and use some information to ensure that the organisation complies with its statutory obligations.

This policy is in place to ensure all directors, staff, volunteers and consultants are aware of their responsibilities.

## 1. Legal framework

This policy has due regard to legislation, including, but not limited to the following:

- Keeping Children Safe in Education (KCSIE), Department for Education 2023
- UK General Data Protection Regulation (GDPR) 2020
- General Data Protection Regulation (GDPR) 2018
- Data Protection Act 2018
- Freedom of Information and Data Protection Regulation 2004
- Freedom of Information Act 2000
- Data Protection Act 1998.

## 2. Applicable data

For the purpose of this policy, personal data refers to information that relates to an identifiable, living individual.

This policy will apply to information regardless of the way it is collected, used, recorded, stored or destroyed, and irrespective of whether it is held in paper files or electronically.

## 3. Principles

This policy outlines how MathsMakers complies with the following core principles of the GDPR. Personal data will be:

- Processed lawfully, fairly and in a transparent manner.

- Collected for specified, explicit and legitimate purposes
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up-to-date.
- Kept for no longer than is necessary for the purposes for which it is processed.
- Processed in a manner that ensures it is appropriately secured.

## 4. Accountability

MathsMakers will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the GDPR.

MathsMakers will provide comprehensive, clear and transparent privacy notices.

MathsMakers will monitor compliance with the GDPR and other laws, including managing internal data protection activities, advising on data protection impact assessments and conducting internal audits.

MathsMakers will inform and advise its staff, volunteers and consultants about their obligations to comply with the GDPR and other data protection laws. MathsMakers will provide relevant training, as required.

Compliance with GDPR 2018 and the 1998 Act is the responsibility of all members of MathsMakers. Any deliberate breach of the GDPR Data Protection Policy may lead to disciplinary action being taken, or even to criminal prosecution.

## 5. Data Controller and Designated Data Controller

MathsMakers as an organisation is the Data Controller under the 1998 Act, and the directors are ultimately responsible for implementation. However, the Designated Data Controller will deal with day to day matters.

Any member of staff, volunteer, consultant, student or their guardian or another individual who considers that the policy has not been followed in respect of personal data about himself or herself or their child should raise the matter with the Designated Data Controller.

MathsMakers Designated Data Controller is: Helena Mullins.

## 6. Lawful processing

The legal basis for processing data will be identified and documented prior to data being processed.

MathsMakers will act as a data processor. However, this role may also be undertaken by other third parties.

Under the GDPR, data will be lawfully processed under the following conditions:

- The consent of the data subject has been freely obtained.
- Processing is necessary for:
  - Compliance with a **legal obligation**.
  - The performance of a task carried out in the **public interest** or in the exercise of official authority vested in the controller.
  - For the performance of a **contract** with the data subject or to take steps to enter into a contract.
  - Protecting the **vital interests** of a data subject or another person.
  - For the purposes of **legitimate interests** pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject.
- Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement.

Whenever we first collect personal data directly from individuals, we will provide them with the relevant information required by data protection law.

## 7. Consent

Consent will be sought prior to processing any data which cannot be done so under any other lawful basis, such as complying with a regulatory requirement.

Consent must be a positive indication. It cannot be inferred from silence, inactivity or pre-ticked boxes.

Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes.

Where consent is given, a record will be kept documenting how and when consent was given.

Consent can be withdrawn by the individual at any time.

Where a child is under the age of 16, the consent of parents/carers will be sought prior to the processing of their data.

DPA and UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare, in accordance with KCSIE 2023.

## 8. The right to be informed

The privacy notice that is supplied to individuals in regards to the processing of their personal data will be written in clear, plain language which is concise, transparent, easily accessible and free of charge.

In relation to data obtained directly from the data subject, and data not obtained directly from the data subject, the following information will be supplied within the privacy notice:

- The contact details of the designated data controller
- The purpose of, and the legal basis for, processing the data.
- The legitimate interests of the controller or third party.
- Any recipient or categories of recipients of the personal data.
- Details of transfers to third countries and the safeguards in place.
- The retention period or criteria used to determine the retention period.
- The existence of the data subject's rights, including the right to:
  - Withdraw consent at any time.
  - Lodge a complaint.

## 9. The right of access

Individuals have the right to obtain confirmation that their data is being processed.

Individuals have the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the lawfulness of the processing.

MathsMakers will verify the identity of the person making the request before any information is supplied.

A copy of the information will be supplied to the individual free of charge; however, MathsMakers may impose a 'reasonable fee' to comply with requests for further copies of the same information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

All requests will be responded to without delay and at the latest, within one month of receipt.

## 10. The right to rectification

Individuals are entitled to have any inaccurate or incomplete personal data rectified.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

## 11. The right to erasure

Individuals hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing.

## 12. The right to restrict processing

Individuals have the right to restrict MathsMakers processing of personal data.

In the event that processing is restricted, MathsMakers will store the personal data, but not process it further, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.

MathsMakers will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until MathsMakers has verified the accuracy of the data
- Where processing is unlawful and the individual opposes erasure and requests restriction instead
- Where MathsMakers no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim.

## 13. Data breaches

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data.

MathsMakers directors will ensure that all staff members, volunteers and consultants are made aware of, and understand, what constitutes a data breach as part of their CPD training.

Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed.

All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of MathsMakers becoming aware of it.

The risk of a breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis.

Within a breach notification, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
- The name and contact details of the Designated Data Controller
- An explanation of the likely consequences of the personal data breach
- A description of the proposed measures to be taken to deal with the personal data breach
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects

Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.

## 14. Data security

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access. Confidential paper records will not be left unattended or in clear view anywhere with general access.

Digital data, including the Single Central Record, will be saved on the MathsMakers Google Drive. This data will be coded, encrypted or password-protected. Only MathsMakers directors will have access to the SCR; this access will be password-protected and require 2-step authentication.

Where data is saved on removable storage or a portable device, the device will be kept in a locked filing cabinet, drawer or safe when not in use.

Memory sticks will not be used to hold personal information unless they are password-protected and fully encrypted.

All electronic devices will be password-protected to protect the information on the device in case of theft.

Emails containing sensitive or confidential information will be password-protected if there are unsecure servers between the sender and the recipient.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff and consultants will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from MathsMakers premises accepts full responsibility for the security of the data.

Before sharing data, all staff members and consultants will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

## 15. Photographs and videos

MathsMakers understands that recording images of identifiable individuals constitutes processing personal information, so it is done in line with data protection principles.

### Online Teaching & Video Recordings

When MathsMakers provides online teaching to students within the “host school” framework, MathsMakers will record the sessions for safeguarding, monitoring/supervising and training purposes. Parents/Carers will be informed and written permission will be sought.

The recordings will be stored securely by MathsMakers and only for as long as necessary to carry out the agreed purposes. These will be put under restricted access, for that duration.

MathsMakers will always indicate its intentions for taking photographs of students and will obtain permission before publishing them.

If MathsMakers wishes to use images/video footage of students in a publication, such as the website and brochure, written permission will be sought for the particular usage from the parent/carer of the students, or also from students who are over the age of 13.

## 16. Data retention and disposal

MathsMakers shall not retain or process shared personal data indefinitely. Data will be stored only for as long as necessary to carry out the agreed purposes. Personal data of students and their families will be pseudonymised and put under restricted access at the end of the academic year in which the student attended the programme.

Unrequired data will be deleted as soon as practicable.

Some educational records relating to former students or employees of MathsMakers may be kept for an extended period for legal reasons, but also to enable the provision of references.

Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

## 17. Policy review

Next Review: July 2024

Adopted by the Board of Directors

Signed: Helena Mullins

A handwritten signature in black ink that reads "Helena Mullins". The signature is written in a cursive style with a large initial 'H' and 'M'.

Date: 14/11/2023