



Saint **GREGORY'S**
Bath

Summary of Data Protection Law

Title	Summary of Data Protection Law	
Prepared By	Karen Tyler, Data Manager	May 2018
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Version	Date	Amendments
V01.00	September 2018	Approved by Governors
V01.01	September 2020	Re-approved by Governors
V01.02	September 2022	Re-approved by Governors
V01.03	September 2023	Added definition of special category data

“In Christ we flourish”

If you handle any personal data on behalf of St Gregory's Catholic College, you must ensure that everything you do with the data complies with data protection law. This summary is intended to assist you in this respect. Please also see our Data Protection Policy as you will need to comply with that also.

You should only gather new personal data, if there is a lawful basis for it to be used.

Lawful processing

The legal basis for processing data should be identified and documented prior to the data being processed. Under current legislation data will be lawfully processed under the following conditions:

- The consent of the data subject has been 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;
 - 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.

Special Category data (ie data that is sensitive, such as that regarding racial or ethnic origin, political opinions, religious beliefs, trade union membership, health or sexual orientation and also biometric data) will only be lawfully processed under the following conditions:

- Explicit consent of the data subject.
- Processing relates to personal data manifestly made public by the data subject.
- Processing is necessary for:
 - Carrying out obligations under employment, social security or social protection law, or a collective agreement;
 - Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent;
 - The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity;
 - Reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards;
 - The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional;
 - Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices;
 - Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1).

Consent

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 should normally be kept documenting how and when consent was given.

An individual can withdraw their consent at any time. Where a pupil is under the age of 16, the consent of parents will normally be sought prior to the processing of their data, except where the processing is related to preventative or counselling services offered directly to a student or it is otherwise reasonable to obtain consent from the pupil themselves.

Legal Rights Granted to Data Subjects

St Gregory's takes data protection and the rights of data subjects seriously. Below is an outline of the rights that individuals have in respect of their personal data/their child's personal data that is processed by the school.

- **The right of Data Subjects to access their data**
Individuals have the right to submit a subject access request (SAR) to gain access to their personal data. The school will verify the identity of the person making the request before any information is supplied. A copy of the information will normally be supplied to the individual free of charge. All requests will be responded to without delay and at the latest, within one month of receipt.
- **The right to request rectification**
Individuals are entitled to ask 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. Where no action is being taken in response to a request for rectification, the school will explain the reason for this.
- **The right to erasure**
Individuals hold the right to request the deletion or removal of their personal data in certain circumstances where there is no compelling reason for its continued processing.
- **The right to restrict processing**
Individuals also have the right to block or suppress the school's processing of their personal data in certain circumstances. In the event that processing is restricted, the school will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future.
- **The right to data portability**
Individuals have the right to obtain and reuse their personal data for their own purposes. The school will ensure that personal data can be easily moved, copied or transferred from one IT environment to another in a safe and secure manner, without

hindrance to usability. Where feasible, data will be transmitted directly to another organisation at the request of the individual. We will provide the information free of charge and will respond to requests within one month. Where the request is complex, or a number of requests have been received, the timeframe may be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request. Where no action is being taken in response to a request, the school will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

The right to data portability only applies in the following cases:

- To personal data that an individual has provided to a controller;
- Where the processing is based on the individual's consent or for the performance of a contract;
- When processing is carried out by automated means.

In the event that the personal data concerns more than one individual, the school will consider whether providing the information would prejudice the rights of any other individual.

- The right to object to processing

We use Privacy Notices to inform individuals of their right to object to the processing of their personal data. Where personal data is processed for the performance of a legal task or for legitimate interests or for research purposes, an individual's grounds for objecting must relate to his or her particular situation. The school will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where the school can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.

- Automated decision making and profiling

St Gregory's recognises that Individuals have the right not to be subject to a decision when it is based on automated processing or when it produces a legal effect or a similarly significant effect on the individual. The school will take steps to ensure that individuals are able to obtain human intervention, express their point of view, and obtain an explanation of the decision and challenge it. When automatically processing personal data for profiling purposes, the school will ensure that the appropriate safeguards are in place.