



# Thinking Schools Academy Trust “Transforming Life Chances”

## Data Protection Policy and Appropriate Policy

This policy was adopted on	December 2025
The policy is to be reviewed on	December 2027

This policy is ratified by the Audit & Risk Committee	
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## Data Protection Policy

### **1. Policy Statement**

- 1.1. 1.1 This Policy applies to all Academies of The Thinking Schools Academy Trust and all Nurseries and Pre Schools of Little Thinkers Nursery & Pre School, a subsidiary of The Thinking Schools Academy Trust. When 'Academy' is used within this policy it applies to Nursery and Pre School settings. When 'Headteacher/Principal' is used with this policy it applies to Nursery Managers. When 'The Thinking Schools Academy Trust' is used within this policy is applies to Little Thinkers Nursery and Pre School.
- 1.2 Everyone has rights with regard to how their personal information about them is handled. During the course of our activities we will collect, store and otherwise process personal information about our pupils, pupils' families, staff, volunteers, contractors, suppliers and other third parties.
- 1.3 The Thinking Schools Academy Trust are committed to meeting their legal obligations concerning data protection and confidentiality and to seeking to achieve best practice in relation to information governance.
- 1.4 Any breach of this or any other information governance policy will be taken seriously and may result in legal action being taken against the Academy, the Trust and/or the individual responsible for the breach.

### **2. Definitions**

- 2.1 "*The Trust*" means Thinking Schools Academy Trust and its trading subsidiaries
- 2.2 "*Data*" means Personal Data and Special Category Personal Data.
- 2.3 "*Data Controller*" is the organisation which determines the purposes for which, and the manner in which, any personal data is processed. They are responsible for establishing practices and policies in line with Data Protection Legislation. "*Data Subject*" means all living individuals about whom the Academy holds Data. A Data Subject need not be a UK national or resident. All Data Subjects have legal rights in respect of their Data and the information that the Academy holds about them.

2.4 “*Data Processor*” means any person who, or organisation which, processes Data on behalf of the Data Controller including contractors, and suppliers and any third party whose work involves accessing or otherwise using Data held by the Academy. Data Processors have a duty to protect the information they process for and on behalf of the Academy by following this and other Academy information governance policies at all times.

2.5 “*Data Protection Legislation*” means the UK-General Data Protection Regulation (UKGDPR), Data (Usage and Access) Act 2025 and the Data Protection Act 2018.

2.6 “*Personal Data*” means any information relating to an identified or identifiable natural person (a data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

2.7 “*Processing*” means any activity that involves use of the data. It includes obtaining, recording or holding the data, or carrying out any operation or set of operations on the data such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. Processing also includes transferring personal data to third parties. “*Special Category Personal Data*” means information about a person's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health or condition or sexual life, or genetic or biometric data.

2.8 “*Social Media*” means websites and applications that enable users to create and share content or to participate in social networking including Facebook, LinkedIn, Twitter, Google+, and all other social networking sites, internet postings and blogs. It applies to use of Social Media for Academy purposes as well as personal use that may affect the Academy in any way.

2.9 “*Subject Access Request*” (“SAR”) means a request by an individual to the Trust or the Academy pursuant to Article 15 of the UK-GDPR.

### 3. Data Protection Officer

3.1 The Trust and its Academies are required to appoint a Data Protection Officer (“DPO”).

3.2 The DPO for the Trust is Mrs Jennifer Coates who can be contacted on [privacy@tsatrust.org.uk](mailto:privacy@tsatrust.org.uk)

3.3 The DPO is responsible for ensuring compliance with the Data Protection Legislation and with this and other information governance policies. Any questions about the operation of this or any other information governance policies should be referred in the first instance to the DPO.

3.4 The DPO is also the central point of contact for all data subjects and others in relation to matters of data protection.

#### 4. Data Protection Principles

4.1 Anyone Processing Data must comply with the data protection principles. These provide that Data must be:

- i. Processed fairly and lawfully and in a transparent manner in relation to the data subject;
- ii. Collected for specified, lawful purposes and not further processed in a way which is not incompatible with those purposes;
- iii. Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- iv. Accurate and, where necessary, kept up to date;
- v. Not kept in an identifiable form for longer than is necessary for the purpose; and
- vi. Processed securely using appropriate technical and organisational measures.

4.2 Personal data must also be processed in accordance with data subjects' rights, and not transferred to people or organisations situated in other countries without adequate protection.

4.3 The Trust will comply with the data protection principles and the rights of Data Subjects in the Processing of any Data.

#### 5. Age Appropriate Design Notice Principles

5.1 The Trust complies with the Age Appropriate Design Code (also known as The Children's Code) and the fifteen principles enshrined within it:

1. Best Interests of the child
2. DPIA
3. Age Appropriate application
4. Transparency
5. Detrimental use of Data
6. Policies and community standards
7. Default Settings
8. Data Minimisation
9. Data Sharing
10. Geolocation
11. Parental Controls
12. Profiling
13. Nudge Techniques
14. Connected Toys & Devices
15. Online tools

## 6. Conditions for Processing Personal Data

6.1 Personal Data can only be processed if at least one of the conditions for Processing in the Data Protection Legislation applies. We will normally Process Data on the basis of the following conditions:

- 6.1.1 Where the Processing is necessary for the performance of a contract between us and the Data Subject, such as an employment contract;
- 6.1.2 Where the Processing is necessary to comply with a legal obligation that we are subject to;
- 6.1.3 Where the Processing is necessary for the performance of a task carried out in the public interest or in the exercise of our functions as set down by law;
- 6.1.4 Where the Processing is necessary for the purposes of the legitimate interest pursued by the controller or by a third party, except where such interests are overridden by the interests of fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the subject is a child;
- 6.1.5 Where none of the above apply then we will usually seek the consent of the Data Subject to the Processing of their Data.

## 7. Conditions for Processing Special Category Personal Data

7.1 Special Category Personal Data can only be processed where an additional condition for Processing applies. We will normally only Process Special Category Personal Data on the basis of the following conditions:

- 7.1.1 Where the Processing is necessary for the purpose of carrying out our obligations or exercising our rights in relation to employment law, for example in relation to sickness absence;
- 7.1.2 Where the Processing is necessary for reasons of substantial public interest on the basis of UK law, for example for the purposes of equality of opportunity and treatment;
- 7.1.3 Where the Processing is necessary for health or social care purposes, for example in relation to pupils with medical conditions or disabilities; and
- 7.1.4 Where none of the above apply then we will usually seek the consent of the Data Subject to the Processing of their Special Category Personal Data.

### Vital Interests

7.1.5 There may be circumstances where it is considered necessary to Process Data in order to protect the vital interests of a Data Subject. This might include medical emergencies where the Data Subject is not in a position to give consent to the Processing. We believe that this will only occur in very specific and limited circumstances. In such circumstances we would usually

seek to consult with the DPO in advance, although there may be emergency situations where this does not occur.

## Consent

7.1.6 Where none of the other bases for Processing set out above apply then we must seek the consent of the Data Subject before processing any Data for any purpose.

7.1.7 There are strict legal requirements in relation to the form of consent that must be obtained from Data Subjects.

7.1.8 In relation to pupils in School Year 8 and below we will seek consent from an individual with parental responsibility for that pupil.

7.1.9 We will generally seek consent directly from a pupil who is in School Year 9 and above, however we recognise that this may not be appropriate in certain circumstances and therefore may be required to seek consent from an individual with parental responsibility.

7.1.10 If consent is required then this form of consent will:

7.1.10.1 Inform the Data Subject of exactly what we intend to do with their Data;

7.1.10.2 Require them to positively confirm that they consent; and

7.1.10.3 Inform the Data Subject of how they can withdraw their consent.

7.1.11 Any consent must be freely given, and we will not make the provision of any goods or services or other matter conditional on a Data Subject giving their consent.

7.1.12 A record must be kept of any consent, including how it was obtained and when.

## 8. Rights of Data Subjects

8.1 Data will be processed in line with Data Subjects' rights.

8.2 The Data Subject have a right to be informed about:

8.2.1 Our identity and contact details as Data Controller and those of the DPO;

8.2.2 The purpose or purposes and legal basis for which we intend to Process their Data;

8.2.3 The types of third parties, if any, with which we will share or to which we will disclose their Data;

8.2.4 Whether the Data will be transferred outside the UK and if so the safeguards in place;

8.2.5 The period for which their Data will be stored;

8.2.6 The existence of any automated decision making in the Processing of their Data along with the significance and envisaged consequences of the Processing and the right to object to such decision making; and

8.2.7 The rights of the Data Subject to object to or limit Processing, request information, request deletion of information or lodge a complaint with the ICO.

8.3 Data Subjects also have a right to:

- i. Request access to any Data held about them by a Data Controller (for further detail see our Subject Access Request Policy);
- ii. Object to the Processing of their Data, including the right to object to direct marketing;
- iii. Have inaccurate or incomplete Data about them rectified;
- iv. Restrict processing of their Data;
- v. Have Data we hold about them erased;
- vi. Have their Data transferred; and
- vii. Object to the making of decisions about them by automated means.

## 9. Data Security

9.1 We will ensure that appropriate security measures are taken against unlawful or unauthorised Processing of Data, and against the accidental loss of, or damage to, Data.

9.2 The Data Protection Legislation requires that we put in place procedures and technologies to maintain the security of all Data from the point of collection to the point of destruction.

9.3 Data may only be transferred to a third-party Data Processor if they agree to comply with those procedures and policies, or if they otherwise put in place adequate measures to our satisfaction. We will always ensure that appropriate measures are in place with any Data Processor which is compliant with Data Protection Legislation.

9.4 For further information on the types of data processors that information may be passed to please refer to our Privacy notice on the Trust and Academy websites.

9.5 For further information and details of the applicable security measures, please see the Information Security policy.

## 10. Sharing of Data

10.1 We may share data we hold with other data controllers or data processors where we have a lawful basis for doing so.

10.2 We will share data with our suppliers or contractors to enable us to provide services to our staff and pupils – for example, IT companies. When doing this, we will:

- Only appoint suppliers or contractors which can provide sufficient guarantees that they comply with data protection law
- Only share data that the supplier or contractor needs to carry out their service
- Only share data where we have a legal basis to do so

10.3 For any new data processor appointed a Data Protection Impact Assessment (DPIA) will be completed to assess the processors compliance. Staff should contact the DPO for advice on completing a DPIA

10.4 We will share data with other agencies where we have a legal basis to do so, this includes child protection data in line with our legal obligations to keep children safe.

Further information on the Trusts legal duties regarding the sharing of child protection data can be found within the Trust Safeguarding Policy.

10.5 Where we transfer personal data internationally, we will do so in accordance with data protection law.

10.6 Where a new processor or system is a website, application or online service being used by children within our trust the DPIA will assess their compliance against the age-appropriate design code

10.7 Anyone who receives enquiries from third parties should be careful about disclosing any Data that we hold. In particular, they must:

- Check the identity of the person making the enquiry and whether they are legally entitled to receive the information they have requested;
- Require that the third party put their request in writing so the third party's identity and entitlement to the information may be verified;
- Refer to the DPO for assistance in difficult or unusual situations;
- and
- Where providing information to a third party, do so in accordance with the data protection principles and the provisions of this Policy
- Only share with organisations on the approved data processors and data controllers list. If the requester is not listed on there, a DPIA must be completed

## 11. Processing of Images

- 11.1 As part of our regular activities we may take images and recording of individuals.
- 11.2 As an Academy and Trust we want to celebrate the achievements of our pupils and therefore may want to use images and videos of our pupils within promotional materials, or for publication in the media such as local, or even national, newspapers covering school events or achievements. We will seek the consent of pupils, or their parents where appropriate, before allowing the use of images or videos of pupils for such purposes.
- 11.3 Consent can be withdrawn at any point. If consent is withdrawn the images will be deleted and not distributed further.

## 12. CCTV

- 12.1 The Trust operates a CCTV system. Please refer to the Trust CCTV Policy.

## 13. Biometric Recognition Systems

- 13.1 Where we use pupils' biometric data as part of an automated biometric recognition system (for example, pupils use finger prints to receive school dinners instead of paying with cash) we will comply with the requirements of the [Protection of Freedoms Act 2012](#).
- 13.2 Parents/carers will be notified before any biometric recognition system is put in place or before their child first takes part in it. The school will get written consent from at least one parent or carer before we take any biometric data from their child and first process it.
- 13.3 Parents/carers and pupils have the right to choose not to use the school's biometric system(s). We will provide alternative means of accessing the relevant services for those pupils. For example, pupils can pay for school dinners in cash at each transaction if they wish.
- 13.4 Parents/carers and pupils can withdraw consent, at any time, and we will make sure that any relevant data already captured is deleted.
- 13.5 As required by law, if a pupil refuses to participate in, or continue to participate in, the processing of their biometric data, we will not process that data irrespective of any consent given by the pupil's parent(s)/carer(s).
- 13.6 Where staff members or other adults use the school's biometric system(s), we will also obtain their consent before they first take part in it, and provide alternative means of accessing the relevant service if they object. Staff and other adults can also withdraw consent at any time, and the school will delete any relevant data already captured.

## 14. Data Protection Complaint Process

In addition to the right to lodge a complaint with the Information Commissioner's Office (ICO), Data Subjects have the right to raise a data protection complaint directly with the Trust or

any of its Academies regarding how their personal information has been handled. This internal complaint process is designed to facilitate timely and appropriate resolution of data protection concerns.

**How to Make a Complaint:** Data protection complaints can be made by various means, including electronically via email to [privacy@tsatrust.org.uk](mailto:privacy@tsatrust.org.uk) or via post FAO: Data Protection Officer, The Thinking Schools Academy Trust, Park Crescent, Chatham, Kent, ME4 6NR

**Directing Complaints:** All data protection complaints should be **directed in the first instance to the Data Protection Officer (DPO)**, Mrs Jennifer Coates, who can be contacted at [privacy@tsatrust.org.uk](mailto:privacy@tsatrust.org.uk)

**Acknowledgement of Complaint:** Upon receipt of a data protection complaint, we commit to acknowledging the complaint within 30 days of its submission

**Complaint Resolution and Response:** The Trust will take appropriate steps to respond to the complaint and inform the complainant of the outcome of the complaint without undue delay. This will involve investigating the concerns raised, determining necessary actions, and communicating the resolution clearly.

## 15. Monitoring and Review

15.1 This policy will be reviewed every 4 years or earlier if required and may be subject to change.

## Appropriate Policy

### **1. Introduction**

As part of The Thinking Schools Academy Trust (TSAT)'s public function as an education provider, we process Special Category and Criminal Offence data in accordance with Article 9 of the General Data Protection Regulation (GDPR) and Schedule 1 of the Data Protection Act (2018) (DPA). Special Category data is processed in line with the TSAT Data Protection Policy, TSAT Information Security Policy and as set out in the TSAT privacy notice. All of which can be found at [www.tsatrust.org.uk](http://www.tsatrust.org.uk)

Schedule 1 Part 4 of the DPA requires us to have in place this document, called an 'Appropriate Policy Document', when we rely on certain conditions for processing Special Category and Criminal Offence data. This policy will tell you what Special Category and Criminal Offence data we process, our lawful basis (schedule 1 condition in the DPA) for processing it, the purposes for which we process it, and how we ensure compliance with the principles of data protection law provided in Article 5 of the GDPR.

We will also tell you how long we will hold the Special Category and Criminal Offence data. Some of the information is already held in other documents on the TSAT website, and we have linked to the relevant documents when it is necessary to do so.

In line with the TSAT Data Protection Policy, where appropriate, when new Special Category data is being processed or processed for a different purpose, a Data Protection Impact Assessment will be completed.

### **2. Description of the data processed**

We process the following types of Special Category and Criminal Offence data:

- Health and disability
- Religious/philosophical belief
- Ethnic/racial background
- Sexual life/sexual orientation
- Political views
- Trade Union membership
- Criminal Offence data
- Biometric or genetic data.

### **3. Schedule 1 condition for processing**

Below we have listed the Schedule 1 conditions on which we are relying, and which need to be covered by this document. In this list, Special Category Data is abbreviated as SC; Criminal Offence Data is abbreviated as CO.

**Schedule 1 Part 1 para 1 (employment and social protection)**, where TSAT needs to process SC/CO data for the purposes of performing its obligations or rights as an employer, or for guaranteeing the social protection of individuals

**Schedule 1 Part 2 para 8 (equality of opportunity)**, where TSAT needs to process SC/CO data for the purposes of monitoring equality of opportunity or treatment

between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained

**Schedule 1 Part 2 para 10 (prevention of crime)**, where

TSAT needs to process CO data for the purpose of preventing or detecting unlawful acts

**Schedule 1 Part 2 para 11 (protecting the public from dishonesty)** where TSAT needs to process CO data to protect members of the public from malpractice, unfitness, incompetence or mismanagement in the administration of a body or organisation, and obtaining consent would prejudice the exercise of the protective function

**Schedule 1 Part 2 para 12 (Regulatory requirements relating to unlawful acts and dishonesty)** where TSAT needs to process CO data to comply with a requirement which involves taking steps to establish whether an individual has committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct. **Schedule 1 Part 2 para 17 (counselling)**, where TSAT needs to process SC/CO data in order to provide confidential counselling, advice or support or of another similar service provided confidentially, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining consent would prejudice the provision of the service, and is necessary for reasons of substantial public interest

**Schedule 1 Part 2 para 18 (safeguarding)**, where TSAT needs to process SC/CO data in order to protect the physical, mental or emotional well-being of an individual under the age of 18, or over the age of 18 and at risk, only where, in the circumstances, consent cannot be given by the data subject, cannot be reasonably obtained from the data subject, or where the processing must be carried out without the consent of the data subject because obtaining the data subject's consent would prejudice the provision of the protection, and is necessary for reasons of substantial public interest

## 4. How we comply with the data protection principles in Article 5 of the GDPR

Article 5(2) of the GDPR requires Data Controllers to demonstrate how they comply with the data protection principles provided in Article 5(1). This section illustrates the measures we have taken to demonstrate accountability for the personal data we process, and contains details about how we ensure compliance with the principles of the GDPR.

### 4.1 Accountability

We demonstrate our compliance with the data protection principles provided in Article 5 of the GDPR through the following measures and documents:

We have appointed a Data Protection Officer whose role and responsibilities align with the provisions of Articles 37-39 of the GDPR.

Our Record of Processing Activities sets out the personal data categories we process, the purposes, the lawful basis, our retention periods for the data, our legitimate interests, Schedule 1 conditions for processing, recipients of personal data, any international transfers of data and our means of keeping data secure.

Our [Privacy Notice](#) explains to individuals how and why their data is processed by TSAT, what their rights are, and how they can get in touch with our DPO and the regulatory authority. When we routinely and/or regularly share data with third parties, we enter into written agreements with Data Controllers and Data Processors which meet the provisions of Articles 26 and 28 of the General Data Protection Regulation respectively.

When we make decisions on whether to share data with third parties on an occasional or one-off basis, and carry out Data Protection Impact Assessments (DPIAs) for uses of personal data that are likely to result in a risk to individuals' data protection rights and freedoms.

We implement appropriate security measures which are proportionate to the risk associated with the processing.

#### 4.2 Lawful, fair and transparent processing

We provide clear and transparent information to individuals about why we process their personal data, including our lawful basis in our Privacy Notices. This includes information about why we process Special Category and Criminal Offence data.

As a public authority we need to process Special Category Data for the substantial public interest conditions outlined in section 3 of this policy to meet the requirements of legislation such as the Equality Act (2010), the Health and Safety Act (1974), the CTSA (2015), and legislation relating to safeguarding.

We process employment data to meet our legal obligations as an employer.

#### 4.3 Purpose limitation

We process Special Category and Criminal Offence data where it is necessary to meet the following purposes.

- Equal opportunities monitoring
- Work opportunities where a DBS check is required
- Supporting special arrangements, such as building access plans, study inclusion plans, and mitigating circumstances applications
- To allow us to fully investigate a complaint or grievance
- To understand dietary requirements based on health or belief
- Recording sickness absence
- Complying with health and safety obligations
- Where processing is necessary to respond to an emergency situation
- Responding to binding requests or search warrants from courts, the government, regulatory or enforcement bodies
- To fully process job applications
- For the prevention and detection of unlawful acts (e.g., incidents captured on CCTV)
- To verify the good character, competence and integrity of senior managers and trustees
- To take necessary steps to ensure that a natural or legal person offering philanthropic support or other support to TSAT has not committed an unlawful act, or been involved in dishonesty, malpractice or other seriously improper conduct.

We will only process Special Category and Criminal Offence data for the listed purposes, and in accordance with a condition in Articles 9-10 of the GDPR and Schedule 1 Parts 1-3 of the DPA.

We process some Special Category and Criminal Convictions data for purposes not covered in this policy document. These conditions are:

- where we ask for your explicit consent to process Special Category and Criminal Offence data

- for the purposes of preventative or occupational medicine,
- where processing is necessary to protect your vital interests, and
- for research, statistics and archival purposes.

We may process data collected for any one of these purposes (whether by us or another Data Controller), for any of the other listed purposes, so long as the processing is necessary and proportionate to that purpose.

We will not process any personal data for purposes which would be incompatible with the purpose for which the data was originally collected.

#### **4.4 Data minimisation**

We design our data collection forms and other data collection tools to ensure that we only collect the Special Category or Criminal Offence data necessary to achieve the purpose. Our purposes are set out in our Privacy Notices. Layered privacy statements are also included in data collection tools.

Where we operate systems which cannot control the volume of special category data collected (i.e. CCTV) we take measures to minimise the volume of data processed. We only monitor spaces with the minimum number of cameras needed to cover the area.

We are satisfied that we collect and retain Special Category and Criminal Offence data for long enough to fulfil our purposes. We collect enough but no more than we need in accordance with the data minimisation principle, and we only hold Special Category and Criminal Offence data for the period set out in our retention policies.

Our Records Management, Retention and Disposal Policy sets out the correct disposal action once records containing special category data are no longer required. We also follow the retention guidance outlined in the IRMS Academies Toolkit.

#### **4.5 Accuracy**

When we identify data which is inaccurate or out of date, having due regard for the purpose for which the data was processed, we will take necessary steps to rectify, replace or erase it as soon as possible and within one month. If there is a specific reason we cannot rectify or erase the data, for instance because the lawful basis does not permit it, we will record the decision.

We provide interfaces for staff and students to keep their personal data up to date, as well as issuing regular reminders to update or provide equalities monitoring data.

#### **4.6 Storage limitation**

Special Category and Criminal Offence data processed by us for the purpose of employment or substantial public interest, will be retained for the periods set out in our retention schedule. The retention policy for record categories is determined by our legal and regulatory obligations, and our business requirements.

#### 4.7 Security

Electronic data is hosted on a secure network, and on the secure servers of third-party cloud storage providers with whom we have contractual agreements. Electronic data is managed according to our internal [Information Security Policy](#).

#### 5. Retention and erasure policies

Our retention period and disposal actions for records containing Special Category Data can be found on our corporate retention schedule here:

[https://www.tsatrust.org.uk/site/assets/files/1125/records\\_management\\_retention\\_and\\_disposal\\_group\\_policy\\_current.pdf](https://www.tsatrust.org.uk/site/assets/files/1125/records_management_retention_and_disposal_group_policy_current.pdf)

#### 6. Appropriate Policy review date

This policy will be retained for the duration of the processing, and for a minimum of 6 months thereafter.

The policy will be reviewed every two years, or revised more frequently if necessary.

#### 7. Additional Special Category and Criminal Offence data

We also process special category data and criminal offence data where an Appropriate Policy Document is not required e.g. for archival, research and statistical purposes. In these circumstances we will respect the rights and interest of our data subjects by informing them about the processing in our [Privacy Notice](#).