
The General Data Protection Regulation (GDPR)

The General Data Protection Regulation (GDPR) is EU-wide legislation which will determine how people's personal data is processed and kept safe and the legal rights individuals have in relation to their own data.

'Personal data' means information that can identify a living individual.

The regulation will apply to all schools from **25 May 2018** and will apply even after the UK leaves the EU.

Main Principles

The GDPR sets out the key principles how all personal data must be processed.

- **Data must be:** processed lawfully, fairly and transparently; collected for specific, explicit and legitimate purposes; limited to what is necessary for the purposes for which it is processed; accurate and kept up to date; held securely; only retained for as long as is necessary for the reasons it was collected.

There are also stronger rights for individuals regarding their own data.

- **The individual's rights include:** to be informed about how their data is used, to have access to their data, to rectify incorrect information, to have their data erased, to restrict how their data is used, to move their data from one organisation to another and to object to their data being used at all.

New Requirements

The GDPR is similar to the Data Protection Act (DPA) 1998 (which schools already comply with), but strengthens many of the DPA's principles. The main changes are:

- Schools must appoint a Data Protection Officer, who will advise on compliance with the GDPR and other relevant data protection law.
- Privacy notices must be in clear and plain language and include some extra information – the school's 'legal basis' for processing, the individual's rights in relation to their own data.
- Schools will only have a month to comply with subject access request and in most cases can't charge.
- Where the school needs an individual's consent to process data, this consent must be freely given, specific, informed and unambiguous.
- There are new, special protections for children's data.
- The Information Commissioner's Office must be notified within 72 hours of a data breach.
- Organisations will have to demonstrate how they comply with the new law.
- Schools will need to carry out a data protection impact assessment when considering using data in new ways or implementing new technology to monitor pupils.
- Higher fines for data breaches.