

GDPR READINESS STATEMENT FOR USE WITH SCHOOLS AND COLLEGES

Like you, Alps has been looking ahead to the introduction of the General Data Protection Regulation (“GDPR”) in May 2018 and we are working to update our systems and contracts to be ready for the new rules. We want to ensure that we can carry on supporting schools and colleges as we do now.

That process will involve us issuing some new terms and conditions to take account of the responsibilities that GDPR gives to us and to schools or colleges who use our services.

Some schools and colleges have been asking questions about how Alps will work under GDPR and many others will have been thinking along similar lines. We have put together the following FAQs to cover the most common questions that we have received so far.

We will keep you informed as our preparations proceed and circulate the new terms and recommended documents for schools and colleges to use in time to have them in place for 25 May 2018. Government guidance on how to apply GDPR is still developing and we are keeping an eye on guidance and best practice as it develops.

FAQs

How will Alps’ services work under GDPR?

We are a ‘data processor’ for the purposes of the current Data Protection Act 1998 (“DPA”) and we will remain so under the GDPR whilst conducting activity such as the preparation of reports or analysis on behalf of a school or college or where passing on information to other bodies (e.g. Local Authority or DfE) when requested by a school or college.

The school or college using our services will be the ‘data controller’ because it decides whether and when to send any information to Alps and what we should do with it.

On what basis can a school or college work with us under GDPR?

A school or college, as a data controller, should only process personal data if it can do so for one of the reasons allowed in the GDPR. Which lawful basis for processing applies depends on the circumstances.

Maintained Schools, Colleges and Academies can be considered together as public bodies. These schools and colleges can seek to rely on the “public interest” reason allowed. Using Alps services for the purpose of providing state-funded education and school improvement is in the public interest because it is a way of fulfilling obligations that schools and colleges have.

Private Schools or Colleges can rely on the “legitimate interests” instead of the “public interest” reason because using Alps services is a way of running their businesses. This could also apply to any fee-paying elements of colleges. Some Alps services could also fall under the “performance of a contract with the data subject” reason because we assist you in doing something you are required to do by such an agreement.

Either type of school or college could rely on “consent” in some cases. The GDPR sets a high standard for consent, it requires a positive opt-in, must be explicit and can be withdrawn at any time. In line with ICO guidance, if consent is difficult, schools and colleges are recommended to

consider other lawful bases under the GDPR before considering “consent”. For example, where dealing with information under the other lawful bases is practically more achievable and reliable.

On what basis can a school or college share ‘special categories’ of information with Alps?

Special category data is personal data which the GDPR says is more sensitive, and so needs more protection, for example ethnicity data. In order to lawfully process special category data, you must identify both a lawful basis and a separate condition. Potential conditions for schools or colleges to share this type of information with Alps are:

- Necessary for compliance with social protection law (such as the Equality Act and Public Sector Equality Duty);
- Necessary for compliance with a task carried out in the public interest (such as school census returns or other reporting requirements as well as administration of a maintained school or college); or
- Explicit consent (note the same ICO guidance about using other bases before using “consent” also applies here).

Terms and Conditions

A school or college, as a data controller, will be required from 25 May 2018 to have a written contract with us which fulfils certain requirements set out in the GDPR. The contract must cover a list of elements including:

- Only allowing use of the data within the controller’s documented instructions;
- Confidentiality;
- Data security;
- Assisting the controller with any exercise by individuals of their rights under GDPR; and
- Returning or deleting data at the end of the services.

We are currently updating our terms and conditions so that they will comply as a **GDPR processing agreement** by including all the necessary elements.

Each school and college will need to agree to our new terms and conditions in order for us to process their data, and for us to provide our products and services to them. We will share these amended terms and conditions with schools and colleges in good time for them to be reviewed before we process any school or college data under the GDPR

Do we share information provided to us by schools or colleges with any third parties?

We will only disclose information provided by you to third parties where you have instructed us to do so. As part of our service, we can provide reports to local authorities or other bodies on behalf of schools and colleges. This will only be done in accordance with the instructions provided by the school or college.

There are circumstances in which we share statistics with third parties such as the DfE or local authorities for data analysis purposes. In these circumstances all data is properly anonymised and falls outside the definition of “personal data” and so is outside the remit of the current DPA and the

GDPR. Similarly, our Directories of Curriculum Excellence are also prepared using anonymised statistics and fall outside the remit of the current DPA and the GDPR.

How is information provided to us by schools or colleges stored?

Secure storage of data is important under the current law and will remain so under GDPR. Alps processes data provided by its clients both on its own systems and provided by third-party infrastructure providers. We apply stringent security practices to our data systems, validated by our ISO27001 accreditation.

Alps stores all data within the EU and ensures that all data it processes is encrypted in transit.

How long will we keep information provided to us by schools and colleges?

As with the current DPA the GDPR requires information to be kept and used for no longer than is needed for the purpose for which it was received in the first place. We will deal with information sent to us by schools and colleges in this way:

- personal data will be deleted automatically after 5 years (Wales and Northern Ireland) or 4 years (England) - this is how long the data is needed for continued services, as we show four year trends in our analysis and additional progression data in Wales.
- personal data will be deleted within 28 days of a confirmed request for deletion from the school or college or termination of a contract
- personal data will be deleted within 28 days if a school or college does not confirm a contract renewal within 3 months of the start of the academic year, which shall be deemed to be 1 September each year
- anonymised data will be held for 5 academic years and automatically deleted afterwards

Please be aware that this statement is not intended to be formal legal advice. We recommend that you seek your own expert advice wherever relevant.

We will keep you informed on the updates that we are making. If you have any queries in the meantime please contact us on 01484 887 600 or email us at info@alps.education or visit our website at www.alps.education.

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