

## Pseudonymisation

**Pseudonymisation** is a security measure that organisations can apply to personal data, much like encryption. It is essentially the processing of personal data in such a way that the data can no longer be attributed to a specific data subject without the use of additional information. As such the additional information, should be kept separately and subject to technical and organisational measures to ensure it is not attributed to an individual or identifiable person.

If in doubt, talk to us

## Contacts

### Data Protection officer (for Schools)

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### Safeguarding Leaders

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# GDPR Awareness

## What is personal data?

## New individual rights and new rights for children



## What is GDPR?

GDPR = General Data Protection Regulation

An EU regulation, but staying even after Brexit

Will be further embedded through the new Data Protection Act 2018 (which will repeal the Data Protection Act 1998).

Covers data processing and data security

Comes into effect on 25 May 2018

## Why does it matter?

It applies to anyone who manages or processes personal data, a good rule of thumb is if you are subject to the data protection act, you are subject to GDPR. Your school is a Data Controller so needs to comply with the requirements of GDPR.

It applies not only to activities that take place in the EU, but also to processes outside the EU when they involve data belonging to people who live in the EU.

## Changes to current legislation

**Personal data** –The definition under GDPR is more detailed.

**Accountability**– GDPR requires you not just to comply, but also to record what you're doing (and why), and to be able to demonstrate this to other people.

**Individual rights** – GDPR introduces a new focus on the information rights for individuals (DPA focuses more on organisations).

**Conditions for lawful processing** – 'Specific interest' can no longer be used by public bodies as a condition for processing.

**Consent** – GDPR requires an active 'opt in' approach to non-core services, which must consider the balance of power. We are able to rely on other conditions such as legal obligation, performance of a contract or undertaking a public task instead.

**Children** – Under 13 yrs old, need parental consent for processing their data.

## What is personal data?

Under GDPR 'personal data' means any information relating to an identified or identifiable natural person ('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.

## What is sensitive personal data under the new GDPR?

The name changes from sensitive personal data to 'special category data' under GDPR. This is:

- Personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs;
- Trade union membership;
- Data concerning health or data concerning a natural person's sex life or sexual orientation;
- Genetic data or biometric data for the purpose of uniquely identifying a natural person (new under GDPR);

Processing of 'special categories' of data is prohibited under GDPR, unless you can meet further conditions for processing.

## New individual rights

GDPR creates some new rights for individuals, in certain circumstances, and strengthens some of the rights that currently exist under the DPA:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object Rights in relation to automated decision-making and profiling.

## Children's rights

GDPR is enhancing the protection of children's personal data.

Two key things to know: If you are offering services to a child, you will need to tell them what you are doing with their data in a clear and simple way that a child can understand.

If you're planning to ask for consent -the age that a child can consent to the processing of their data is 13 years old. The child has to have capacity to consent, so if they have a learning disability they may not have capacity to consent.

## Anonymisation

**Anonymisation** has been defined by the ICO as "the process of turning data into a form which does not identify individuals and where identification is not likely to take place" resulting in data that is not 'personal data'.

## Apps

If you are using apps where pupil/parent data is being uploaded, you need to ensure there is a legal agreement between the school and the App provider to protect the school. If the App provider breaches their responsibilities if you have an agreement in place they may face a fine rather than the school. For cloud based Apps you need to know whether servers are in the EEA or outside.

The terms and conditions the App provider may want you sign up to, may not be sufficient to ensure the school meets its GDPR obligations. The agreement has to be by way of a contract and has to contain specific information. If in doubt check with the Data Protection Officer.