



Your Data Protection Rights

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Introduction

The UK General Data Protection Regulations (GDPR) provide you with legal rights over the personal data that Discovery Educational Trust (DET) and its Schools hold about you and your child. This guide explains your rights and helps you to use them.

You do not need to know details about which right applies in which case in order to make a request; it is the responsibility of DET/its Schools to understand how to handle a request you make.

Your personal data rights are:

Be Informed	Access	Rectify	Be Forgotten
Restrict	Portability	Object	Auto- Decisions & Profiling

DET/its Schools are committed to helping you to exercise your rights through:

- Keeping their guidance simple;
- Making it readily available;
- Responding to a request from you:
 - **In writing:** by means of your choice wherever practical. If you email DET/its Schools, they will respond by email unless you ask them to do something different.
 - **Verbally:** if you wish, providing that they have proof of ID.
 - **Promptly:** and no longer than a month after receiving it. If your request is particularly large and complicated, DET/its Schools are allowed to extend the deadline by up to two months. If they need to do this, they will let you know within a month, and explain why.
 - **In plain English:** avoiding legal terms, where possible, but explaining them where DET/its Schools need to use them

How will DET/its Schools know that a request about me has come from me?

DET/its Schools do not change, delete or share any of your information without being satisfied that it is you, who has asked for this (unless the law allows them to). Where there are any doubts about a requester's identity, DET/its Schools ask for proof of ID and do not go ahead unless they have received this, and are satisfied that you are identified.

Are DET/its Schools allowed to charge me for a request, or refuse it?

You should not have to pay DET/its Schools when you are exercising your rights. However, the law does allow a reasonable fee to be charged if your request is unreasonable or is a repeat of something that DET/its Schools have already done for you. In these cases, DET/its Schools may be allowed to refuse your request rather than charge. If DET/its Schools plan to charge or to refuse your request, they let you know and explain why they believe that the law lets them do this.

There are other reasons in the law, which may mean that DET/its Schools cannot do what you ask them to do with your personal data. These are explained under each of your 'Rights' in this guide.

What if I am unhappy with DET/its Schools' response to my request?

DET/its Schools always do their best to do what you ask with the personal data that they hold about you or your child. However, the law places a responsibility on DET/its Schools to balance your rights against the rights of other people, who may be affected, and against the legal powers of other organisations. It may not always be the case that your rights are strongest in every situation. DET/its Schools always explain their reasons and gladly re-examine their decision, if you want challenge it.

If you still feel that DET/its Schools have not done what they should have, you have the right to complain to the [Information Commissioner](#) (ICO). Please see the ICO's contact details at the end of this guide.

Limiting your Rights

The law allows for the UK Government to make certain decisions, which could result in Data Protection rights being reduced to some extent. However, the law requires that any restrictions of this kind must still be in line with your basic human rights, and must be what is expected of rules applying to a democratic country.

The Government may decide to limit the rights for reasons such as national security, preventing crime, investigating certain professional conduct cases etc. DET/its Schools have to take these decisions into account when considering requests from you to exercise your rights.

1. Your Right to be **Informed**

It is important that you know what happens to your personal data whilst DET/its Schools hold it. The law requires DET/its Schools to be honest and open with you about these details and they do this through publishing a number of Privacy Notices on their websites; one covering each of the main uses that they make of your data.

These Notices are available for you to read and understand so that you know what to expect DET/its Schools to do with your data; either before you share it with them, or where it is given to DET/its Schools from another organisation that holds it.

DET/its Schools have taken care to explain the details on the Notices in simple language but any feedback on the Notices to help DET/its Schools with our commitment to review and improve the guidance provided is appreciated.

Here are the main things that DET/its Schools need to tell you about what they do with your personal data:

- Who DET/its Schools are: School name, the name of the Data Protection Officer and their contact details.
- A description of the type of data that DET/its Schools collect about you/your child
- The reasons why DET/its Schools need this data.
- An explanation of how the law allows DET/its Schools to hold and use your data.
- Who DET/its Schools might share the data with (either because they provide a service on DET/its Schools' behalf or they need it for their own purposes and the law allows this).
- Whether your data may be sent to, or stored in, a country that is outside the [European Economic Area](#) (EEA).
- When DET/its Schools will no longer need your data and how soon after this they will delete it.
- Which of your rights you are able to use, including the right to withdraw your consent (if this is what allows DET/its Schools to hold your data).
- How to complain to the Information Commissioner's Office (ICO).
- Where DET/its Schools got your data from (if you did not give it to them yourself).
- Whether DET/its Schools use your data to make automated-decisions, or to do profiling.

DET/its Schools ensure that the right Privacy Notice is available to you:

- At the time you share your data with DET/its Schools.
- When it has been shared with DET/its Schools by another organisation:
 - No later than a month;
 - The first time that DET/its Schools contact you, or sooner;
 - Before or when DET/its Schools share it with someone else.

See our [website](#) for a list of published Privacy Notices.

2. Your Right to **Access** your Information

The personal data that DET/its Schools hold about you and your child is still yours. You have the right to ask them for access to the data to satisfy you that their use of your data is lawful. Unless the law prevents DET/its Schools from doing so, they must give you:

- Confirmation that they hold your data;
- An explanation of what that data is;
- Access to your information;
- Confirmation of which Privacy Notice(s) explains why DET/its Schools have your data and what they do with it.

When dealing with your request, DET/its Schools:

- Let you know what additional information they may need to identify you.
- If a request has been made by someone on your behalf, ensure that they have your permission.
- Confirm how you would like to receive your information.
- Help you to make your wishes clearer if your request is not clear about the information you want.
- The information you receive is information that you are entitled to under the law – having considered your rights against the rights of others, whose information may be included within documents relating to you, and any other legal reason, which may prevent DET/its Schools from sharing data.
- Let you know within a month, at the latest, about any expected delay. For example, if your request is complex, about any fee that the law allows DET/its Schools to charge, or explain any reason that they may have to refuse your request.

Click [here](#) for more information (ICO Website).

Please note: There is an additional “right of access” to your Child’s ‘Pupil Record’ – as defined in the Education (Pupil Information) (England) Regulations 2005. The timescale for responding to such requests is fifteen days from receipt of the request (excluding the summer holiday). This right is not affected by GDPR.

Please note: There is no automatic right of access for a parent/carer to their child’s information under the access provisions of the Data Protection Act 2018. For more information about this, please refer to the DET Parents’/Carers’ Guide to Subject Access Requests.

3. Your Right to have your Data 'Rectified'

DET/its Schools have a legal responsibility to ensure that the data that they hold about you and your child is accurate and complete. Where they are made aware that they may hold inaccurate or misleading data about you, they must 'rectify' it (change it).

Where you may have moved to a new address, changed contact details or even changed a surname; these are simple changes to make. However, there may be more complex cases, where you disagree with an opinion that DET/its Schools have recorded about your child's progress, for example, and you may decide to ask them to change this. In some cases, the law allows DET/its Schools to refuse to make changes to the personal data that they hold, and the professional opinion of a qualified teacher is an example of where they may decline to fulfil a change request.

Any request to change your personal data is fairly considered, and if, where having reviewed a contentious record, DET/its Schools feel that it is inaccurate, they make changes.

If DET/its Schools do refuse to make changes, they always:

- Explain to you in writing, the reasons why they are refusing your request.
- Consider adding a statement of your opinion to the record to reflect that there has been a challenge to their professional judgement.

Click [here](#) for more information (ICO Website).

4. Your Right to be **Forgotten**

Right to erasure ('right to be forgotten').

The right to Erasure, known as the right to be forgotten, is where you can ask DET/its Schools to consider deleting information that they hold about you or your child.

DET/its Schools have already explained to you, through their Privacy Notices, how long they intend to hold your personal data before they delete it. However, you still have the right to challenge them to delete your data at any time.

You can expect your request for deleting your personal data to be successful if:

- It is no longer 'necessary' for DET/its Schools to keep the data for the purpose stated on the relevant Privacy Notice.
- DET/its Schools are holding and using the data based only on your consent, and you have decided to withdraw this consent.
- DET/its Schools are holding and using the data for their '[legitimate interests](#)'. You may decide to object to this, and they cannot give a reason for keeping it that outweighs your decision.
- DET/its Schools are holding and using the data to allow them to market goods and services to you and you ask them to stop.
- DET/its Schools have been holding and using your data unlawfully.
- Deleting is required by law.
- DET/its Schools are using data about your child to support a chargeable online service.

The law has a number of reasons why DET/its Schools are allowed to refuse erasure requests, those that are most likely to apply to DET/its Schools are where they are holding or using your data:

- To comply with a legal requirement;
- Where DET/its Schools are doing something in the public interest, or acting within their role as Schools;
- To keep a historical record of the School's activity for future generations;
- Where DET/its Schools need it in support of a legal case.

When DET/its Schools agree to delete information about you, they have procedures in place to let other organisations, who they have shared your data with, know. For example, if they have contractors working on their behalf. DET/its Schools' decision to delete your data means that they should delete it as well.

When DET/its Schools agree to delete information following your request, or routinely as part of their records management procedures, they ensure that the data, in whatever format, is destroyed securely and cannot be reused, or it is permanently changed so that it can no longer identify you or your child.

Click [here](#) for more information (ICO Website).

5. Your Right to **Restrict** the Processing of your Data

Should you have concerns about an aspect of what DET/its Schools do with your personal data, such as who they share it with or how they manage it, you have the right to ask them to stop doing it; so that DET/its Schools are still allowed to hold it, but are 'restricted' in the ways that they can use your data.

Aside from storing your data, DET/its Schools can only continue to use it when it is under a restriction if:

- DET/its Schools have your consent;
- It is to be used for a legal claim or case;
- It is needed to support someone else's rights;
- DET/its Schools believe that the use is in the public interest.

When use of data is restricted, this may mean that DET/its Schools consider doing the following:

- Removing your data from one database or system and storing it in another in order to separate it from data, which is still in use.
- 'Locking' or 'Protecting' a record containing your data to prevent staff from accessing and using it.
- Taking published data down from a website.
- Labelling the data to ensure that users are aware of the restriction.

You can expect your request for restricting the use of your personal data to be successful if:

- You want DET/its Schools' use of your data to stop whilst its accuracy is being reviewed.
- The data had been used unlawfully, and you opt for a restriction rather than request us to delete (erase) your data.
- DET/its Schools do not believe that it is necessary for them to keep your data any longer, but you wish them to keep it for a potential legal case.
- You have raised an 'objection' and DET/its Schools need time to consider whether your rights outweigh their potential claim that they have a legitimate need to keep using your data.

As with other rights, the law allows DET/its Schools to refuse a request in certain circumstances. In this case, DET/its Schools can refuse (or charge a reasonable fee) if they believe the request is unfounded or excessive. In such cases, DET/its Schools contact you and explain their decision, and let you know how to complain.

When DET/its Schools decide to lift any restriction on the use of your data, they must let you know about this in advance. DET/its Schools must let you know how this affects any related requests under your rights to 'rectify' and to 'object', and also let you know how to complain.

Click [here](#) for more information (ICO Website).

6. Your Right to Data **Portability**

The right to Data Portability gives you the means of asking an organisation to give your personal data to another organisation on your behalf, or back to you for you to give to another organisation – making your data ‘portable’, i.e. easily usable by another supplier of services to you.

The law allows this right to apply in a very narrow set of circumstances, which make it highly unlikely that it would apply to any data held by DET/its Schools, but, in brief, the right applies when data you have provided:

- Is being held and used by DET/its Schools under your consent or supporting a contract, AND
- The use of the data is being carried by an automated process (i.e. staff are not involved in physically doing something with the data).

If this right did apply to your data, DET/its Schools would need to provide it in a format that was commonly in use, allowing the majority of software products to read and use the data in an automated way.

Click [here](#) for more information (ICO Website).

7. Your Right to **Object** to Data Processing

The law provides you with the right to 'object' to DET/its Schools holding and using your personal data, but only in certain circumstances. DET/its Schools' Privacy Notices let you know the 'legal condition' that DET/its Schools rely on to hold and use your data and they also explain when you have the right to 'object'. If DET/its Schools rely on one of the following, the right is available to you:

- Legitimate interests; or
- Performance of a task in the public interest/exercising DET/its Schools' official authority (including profiling); or
- Scientific or historical research and statistics.

In order to exercise your right, you must have an objection, which is specific to your particular situation. You cannot, therefore, object to DET/its Schools' general practices, you must be able to argue that there is something that they are doing with your personal data that impacts you specifically.

If this does apply, DET/its Schools must stop doing what is causing you concern unless they can do one of the following:

- Show you that there are legitimate grounds for DET/its Schools' actions, and that these outweigh your rights.
- Show that DET/its Schools' actions with your personal data are necessary to support evidence for a legal case or claim.

If DET/its Schools hold your data for direct marketing purposes, they must stop doing so when they receive your objection. DET/its Schools would have no grounds to challenge your decision.

Click [here](#) for more information (ICO Website).

8. Rights over Automated Decision-Making and Profiling

What do these terms mean?

Automated decision-making

This is making decisions about you or your child using your personal data through an automated process, i.e. a computer calculation with no human involvement.

Profiling

Using personal data to make decisions about categorising you or your child based on any number of characteristics.

Where DET/its Schools do this, they have to let you know about it in their Privacy Notices. These explain the process that they go through, and what the potential consequences are of the decisions made.

The law only allows DET/its Schools to do this kind of activity where decisions are made completely without the need of human help, and the outcome of the decision can have a significant impact on an individual in the following circumstances:

- If DET/its Schools were evaluating you or your child as part of entering into a contract (i.e. to see whether someone meets the criteria to be eligible for a contractual service).
- If the law specifically allows it.
- If you have given DET/its Schools your recorded consent.

DET/its Schools can only use sensitive personal data if:

- They have your recorded consent; or
- They can claim that what they are doing is important in the public interest.

If what DET/its Schools are doing is not completely automated, and the decisions are not significant, they do not need to rely on these reasons, but they still need to let you know what they are doing and explain how the law allows them to do it.

The law says that this type of activity has the potential for error that may have consequences, or has concerns that decisions are made in ways that are not transparent and are potentially unfair. You, therefore, have the right to:

- Challenge DET/its Schools over decisions that they make in this way;
- Demand that a member of staff undertakes the process rather than a computer;
- Make DET/its Schools aware of your opinions to support decision-making.

DET/its Schools must ensure that the systems used to make such decisions are working as they should in order to avoid errors and to ensure that they are being fair, and they must take reasonable steps to keep your data secure within this process.

Any system that DET/its Schools use to carry out this type of process will have been risk assessed and will have been approved by their Data Protection Officer as complying with the law.

Click [here](#) for more information (ICO Website).