



## **U-Educate Data Protection Policy September 2025**

### **1. INTRODUCTION**

U-Educate gathers and utilises various forms of personal data concerning staff, students, parents, and other individuals who interact with the organisation to facilitate educational and associated functions. To fulfil our regular responsibilities to staff, students, and parents, we handle a broad spectrum of personal information about individuals, encompassing current, former, and potential staff, students, or parents, as well as the broader school community, as part of our daily operations as an alternative provision provider. U-Educate may have legal obligations mandating the collection and utilisation of specific types of information to adhere to statutory requirements concerning employment, education, and safeguarding. This policy aims to ensure that personal data is managed appropriately and securely, in compliance with the General Data Protection Regulation (GDPR), the Data Protection Act 2018, and other relevant legislation.

The GDPR pertains to both computerised data and manual files that fall under the definition of a filing system. Generally, a filing system is characterised by structured data that can be searched based on specific criteria, such as an individual's name, enabling retrieval of their information.

This policy will be updated as necessary to reflect best practice, or amendments made to data protection legislation, and shall be reviewed annually.

This policy applies alongside U-Educate's online Safety and ICT Acceptable Use Policy, safeguarding and health and safety policies

Anyone who works for, or acts on behalf of, U-Educate (including staff, volunteers, governors and service providers) is required to be aware of and comply with this policy.

### **2. PERSONAL DATA**

'Personal data' is information that identifies an individual, and includes information that would identify an individual to the person to whom it is disclosed because of any special knowledge that they have or can obtain. A sub-set of personal data is known as 'special category personal data'. This special category data is information that reveals:

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- race or ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- physical or mental health
- Data Protection Policy
- an individual's sex life or sexual orientation
- genetic or biometric data for the purpose of uniquely identifying a natural person.

Special Category Data is given special protection, and additional safeguards apply if this information is to be collected and used.

Information regarding criminal convictions will only be retained and processed when there is legal authorisation to do so. U-Educate does not intend to request or retain Special Category Data (previously referred to as sensitive personal data) concerning staff or students unless notified of such information, or if it comes to our attention through legitimate channels (e.g., a grievance), or when necessary to adhere to legal obligations or best practices. Staff or students are not obligated to disclose their race or ethnic background, political or religious beliefs, union membership status, or details regarding their sexual life to U-Educate, except when such information is required for specific purposes, such as pension entitlements, in which case details regarding marital status and/or parenthood may be needed.

### **3. THE DATA PROTECTION PRINCIPLES**

The six data protection principles as laid down in the GDPR are followed at all times:

- personal data shall be processed fairly, lawfully and in a transparent manner, and processing shall not be lawful unless one of the processing conditions can be met
- personal data shall be collected for specific, explicit, and legitimate purposes, and shall not be further processed in a manner incompatible with those purposes
- personal data shall be adequate, relevant, and limited to what is necessary for the purpose(s) for which it is being processed
- personal data shall be accurate and, where necessary, kept up to date
- personal data processed for any purpose(s) shall not be kept in a form which permits identification of individuals for longer than is necessary for that purpose/those purposes
- personal data shall be processed in such a way that ensures appropriate security of the data, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.

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In addition to this, U-educate is committed to ensuring that at all times, anyone dealing with personal data shall be mindful of the individual's rights under the law. We are committed to complying with the above data protection principles at all times. This means that U-educate will:

- inform individuals about how and why we process their personal data through the privacy notices which we issue
- be responsible for checking the quality and accuracy of the information
- regularly review the records held to ensure that information is not held longer than is necessary
- ensure that when information is authorised for disposal it is done appropriately
- appropriate security measures to safeguard personal information whether it is held in paper files or on our computer system, and follow the relevant security requirements at all times
- share personal information with others only when it is necessary and legally appropriate to do so
- set out clear procedures for responding to requests for access to personal information known as subject access requests
- report any breaches of the GDPR

#### **4. CONDITIONS FOR PROCESSING IN THE FIRST DATA PROTECTION PRINCIPLE**

The individual has provided explicit, informed, unambiguous, and freely given consent specific to the particular type of processing activity.

The processing is essential for executing a contract in which the individual is involved or for undertaking preparatory steps related to a contract at the individual's request.

The processing is essential to fulfil a legal obligation that we are bound by.

The processing is necessary to safeguard the vital interests of the individual or another person.

The processing is essential for performing a task carried out in the public interest or in the exercise of official authority vested in us. The processing is necessary for a legitimate interest of U-Educate or a third party, unless such interest is outweighed by the rights and freedoms of the individual concerned.

#### **5. USE OF PERSONAL DATA**

U-educate engages in the processing of personal data concerning pupils, staff, and other individuals such as visitors. In each instance, adherence to the data protection principles outlined above is imperative.

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## **Pupils and Parents**

Personal data held regarding pupils and parents serves various purposes, including supporting pupils' education, monitoring and reporting on their progress, providing suitable pastoral care, and assessing the overall performance of U-educate. Additionally, it encompasses other typical uses associated with schooling environments, such as:

- Facilitating pupil selection and confirming the identity of prospective pupils and their parents;
- Cultivating relationships with parents, pupils, and the broader community;
- Supporting management planning, forecasting, research, and statistical analysis, including legally mandated assessments, market analysis, and assessing satisfaction levels among pupils, parents, and alumni;
- Enabling relevant authorities to monitor the performance and intervene or provide assistance as necessary;
- Providing and receiving information and references about past, current, and prospective students;
- Safeguarding pupils' welfare and offering appropriate pastoral care;
- Monitoring, as appropriate, the use of IT and communications systems in line with the Online Safety and ICT Acceptable Use Policy and Social Media Policy;
- Undertaking any other reasonably necessary actions for U-Educate's purposes, including obtaining appropriate professional advice and insurance.

## **Staff**

Personal data concerning staff members serves the following purposes:

- Recruitment and appointment processes, including mandatory recruitment checks and verification of prospective staff identities, to fulfil legal obligations regarding employment and the education environment. U-educate may share information with relevant regulatory authorities as needed.
- Employment-related matters, encompassing contract details (e.g., start date, hours worked, position, roles, and salary information), absence records (e.g., number of absences and reasons), payroll information (including bank account details), and special category personal data (e.g., medical information and ethnic background).
- Monitoring (as applicable) the use of the IT and communication systems in line with the Online Safety and ICT Acceptable Use Policy and Social Media Policy.
- Utilising staff names and photographs in promotional material.
- Providing confidential references regarding staff members before or after their resignation for employment elsewhere.

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- Engaging in management planning, forecasting, research, and statistical analysis, including diversity or gender pay gap analysis mandated by law, taxation records, labour market analysis, and staff satisfaction assessments.

Staff should be aware that information related to disciplinary actions or safeguarding issues may be retained beyond the duration of the sanction. While considered "spent" once the sanction period concludes, incident details may require retention for a longer period.

### **Special Category Data**

Additionally, U-educate may find it necessary to process special category personal data (pertaining to health, ethnicity, religion, biometrics, or sexual life) or criminal records information (such as during DBS checks) in compliance with legal rights or duties imposed on it, including those concerning safeguarding and employment, or occasionally with explicit consent where required.

## **7. HOW U-EDUCATE COLLECTS DATA**

U-educate receives personal data directly from individuals, including, in the case of pupils, from their parents. For pupils, this occurs through the data collection process before admission or during routine interaction or communication, such as via email, written assessments, or trip permissions. For staff, this occurs through the online application system upon application, the New Employee Pack upon appointment, and periodically as needed throughout their employment. For other activities, including those involving the wider community, personal data is obtained directly from individuals through data collection or registration processes. In some instances, personal data may be provided by third parties, such as another school, professionals, or authorities working with the individual.

## **8. THE LAWFUL BASIS ON WHICH U-EDUCATE USES INFORMATION**

U-Educate primarily processes personal data based on its legitimate interests or the legitimate interests of others, provided such interests do not outweigh the impact on individuals.

Additionally, the processing is lawful because:

- It's necessary for performing an employment contract.
- It's necessary to fulfil a legal obligation, such as safeguarding duties.
- It's necessary to protect vital interests, particularly to safeguard pupils from harm.
- It's necessary for the U-Educates education function, which serves a public interest.

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When collecting personal information, U-Educate will clarify whether providing it is legally required and explain the necessity if there's no legal mandate, along with the consequences of non-provision.

If U-educate requires an individual's consent for data usage, it will be clearly communicated, and positive opt-in consent will be sought. Individuals can always withdraw consent or object to direct marketing or fundraising efforts. Nonetheless, we need to retain some details to ensure no further communications are sent to specific addresses, emails, or phone numbers.

## **SECURITY OF PERSONAL DATA**

U-Educate will ensure that staff members only access personal data necessary for their duties, with all staff informed of this Policy and their GDPR-related responsibilities. Measures will be taken to securely hold personal information and prevent unauthorised access.

## **DISCLOSURE OF PERSONAL DATA TO THIRD PARTIES**

Primarily, personal data collected by U-Educate will be retained within its confines and accessed by authorised personnel only, adhering to access protocols and on a strictly 'need to know' basis. Particularly stringent access rules apply to:

- Medical records, managed and accessed by the Medical Centre/Staff and relevant teaching, pastoral, or resident staff requiring knowledge for providing pupil care.
- Pastoral or safeguarding files overseen by the Designated Safeguarding Leads.

On occasion, U-Educate may need to share personal information concerning our community with third parties. The typical scenarios prompting U-Educate to authorise disclosure of personal data to a third party include:

- Providing confidential references for current or former employees, volunteers, or pupils.
- Crime prevention or detection. Assessment of tax or duty.
- Fulfilling legal rights or obligations imposed on U-Educate (excluding contractual obligations).
- Legal proceedings, including potential ones.
- Seeking legal advice.
- Research, historical, and statistical purposes that don't influence individual decisions or cause significant distress.
- Publishing public examination results or pupils' achievements.
- Disclosing a pupil's medical condition if in the pupil's interest and legally justifiable, such as for medical advice or insurance.

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- Providing information to another educational institution when a pupil transfers.
- Furnishing information to Examination Authorities during the examination process.
- Sharing information with the relevant Government Department overseeing national education.
- Keeping a pupil's previous and current school informed about academic progress and achievements.

A portion of relevant information about SEN pupils is disseminated more widely to staff for providing necessary care and education. Staff, pupils, and parents are reminded of U-Educate's legal duties and statutory guidance, including the obligation to record or report incidents and concerns, regardless of their proven nature, if they meet specific thresholds of seriousness or regularity. This may involve file notes or referrals to relevant authorities like the LADO or police. For more details, please refer to U-Educate's Safeguarding (Child Protection and Staff Behaviour) Policy.

Adhering to Data Protection Law, certain processing activities of U-Educate are outsourced to third parties, such as IT systems, web developers, cloud storage providers, and mailing services. This is always governed by contracts ensuring secure data handling in line with the Businesses directives, with data sharing agreements when necessary.

The Department for Education (DfE) utilises student information for statistical analysis, policy evaluation, and education service monitoring, ensuring individual anonymity. Occasionally, the DfE may share this data with other government entities strictly for statistical or research purposes.

U-Educate may receive requests from third parties (excluding data subjects, School personnel, and employees) to disclose personal data it holds. Such disclosures are subject to specific exemptions under data protection laws or when deemed necessary for the legitimate interests of U-Educate or the recipient, except where overridden by the data subject's interests or fundamental rights.

All requests for personal data disclosure must be directed to the Compliance Manager for review and decision, ensuring reasonable steps are taken to verify the third party's identity before disclosure.

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## **DURATION OF PERSONAL DATA RETENTION**

U-Educate securely maintains personal data for the duration necessary for legitimate and lawful purposes. Typically, ordinary staff and student personnel files are retained until the student reaches the age of 25, as recommended by legal guidelines. However, incident reports and safeguarding files may require longer retention periods, as mandated by specific legal obligations.

## **PUPIL CONCERN'S CONFIDENTIALITY**

If a student confidentially raises concerns with a staff member and explicitly opts not to disclose their personal data to their parents or guardian, U-Educate will uphold confidentiality unless there are reasonable grounds to believe that the student may not fully comprehend the consequences of withholding consent. Disclosure may also occur if we determine it to be in the student's or other students' best interests, as outlined in U-Educate's Safeguarding (Child Protection and Staff Behaviour) Policy.

## **REQUESTS FOR ACCESS TO PERSONAL DATA**

Any individual requesting access to their personal information held by U-Educate is making a subject access request. All relevant information, whether stored electronically or manually, should be considered for disclosure if it constitutes a "filing system"

The individual's comprehensive subject access rights include: confirming whether their personal data is being processed, understanding the purposes of processing, identifying the categories of personal data involved, determining the recipients or categories of recipients to whom their data has been or will be disclosed, ascertaining the envisaged period of data storage (or the criteria for determining this), being informed of the right to request rectification, erasure, or restriction of processing, and objecting to processing. Additionally, they have the right to lodge a complaint with the Information Commissioner's Office and receive details of any data transfers outside the European Economic Area, along with information on the safeguards in place.

Requests must be submitted to the Compliance Manager within three working days of receipt and must be promptly addressed, with a maximum response time of one month. U-Educate reserves the right to extend this period by an additional two months if the request is deemed complex or if multiple requests have been received from the same individual.

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In cases where a child or young person lacks the capacity to make their own request, typically those under the age of 12 or over 12 with special educational needs, a person with parental responsibility may submit a request on their behalf. The Compliance Manager and the Bursar must be satisfied that the child or young person lacks sufficient understanding and that the request is in their best interests.

Any individual, including a child or young person with information rights, may appoint another person to request access to their records. U-Educate must have written evidence of authorization, and the Compliance Manager must verify the identity of both the requester and the authorised individual.

Access to records may be refused if an exemption applies, such as when sharing information could endanger the individual or jeopardise ongoing police investigations.

Subject access requests must be made in writing and U-Educate may request additional information to locate the requested data.

Individuals have the right to access their own information, and care must be taken to avoid disclosing third-party personal data without consent.

All files must undergo review by the Compliance Manager and the Bursar or a member of the leadership team before disclosure is authorised.

If complete disclosure of data in a document is not possible, a permanent copy should be made, and the data obscured, redacted, or extracted. Both versions of the document should be retained, with a clear explanation of the alteration.

#### **14. EXEMPTIONS TO ACCESS BY DATA SUBJECTS**

Information subject to legal professional privilege may be exempt from disclosure unless waived. Other exemptions from subject access rights will be explained if applied to a request.

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## **15. OTHER RIGHTS OF INDIVIDUALS**

U-Educate is committed to upholding individuals' rights under the law and places significant importance on ensuring compliance. The following section outlines U-Educate's approach to fulfilling the following rights:

- Right to object to processing;
- Right to rectification;
- Right to erasure; and
- Right to data portability.

### **Right to object to processing**

Individuals possess the right to object to the processing of their personal data based on public interest or legitimate interest if they believe these grounds are not adequately justified.

Upon receiving such an objection, it should be directed to the Compliance Manager within two working days. The Compliance Manager will then evaluate whether there are compelling legitimate reasons to continue processing that outweigh the individuals' interests, rights, and freedoms, or if the information is necessary for legal proceedings.

The Compliance Manager will inform the individual of the assessment outcome within 21 term-time days from receiving the objection.

### **Right to rectification**

Individuals have the right to request the prompt rectification of inaccurate data. Any rectification requests should be forwarded to the Compliance Manager within two working days of receipt. If sufficient evidence of inaccuracy is provided, the data will be corrected at the earliest opportunity, and the individual will be notified.

In cases of disputed accuracy, the request and reasons for refusal will be documented alongside the data and communicated to the individual. They will have the option to seek a review under the Complaints Policy and Procedure or appeal directly to the Information Commissioner.

Individuals also have the right to have incomplete information supplemented with the missing data, which will be updated without undue delay.

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## **Right to erasure**

Individuals may request the permanent deletion of data under certain circumstances, including when the data is no longer necessary for its original purpose, consent is withdrawn without alternative legal grounds, a legitimate objection has been raised, unlawful processing occurs, or a legal obligation mandates deletion.

The Compliance Manager will evaluate requests for data erasure and consider legal exemptions. If data has been shared with other controllers or made public, reasonable efforts to inform them of the erasure request will be made.

## **Right to restrict processing**

### Restriction of Processing Rights

Under the following circumstances, the processing of an individual's personal data may be restricted:

- If there is a dispute regarding the accuracy of the data, processing may be limited while U-Educate verifies its accuracy
- In cases where processing is deemed unlawful, and the individual requests restriction instead of erasure
- When data would typically be deleted, but the individual requests that their information be retained for legal claim establishment, exercise, or defence purposes
- Pending the outcome of any decision following an objection made

## **Right to Data Portability**

Individuals have the right to request that their personal data be provided to another organisation in a structured, commonly used, and machine-readable format. However, this right is applicable only in situations where U-Educate processes the information based on consent or performance of a contract, limiting the circumstances in which this right can be exercised.

Requests for data portability should be forwarded to the Compliance Manager within 2 working days of receipt, and the Compliance Manager will review and respond as necessary.

## **Reporting Breaches of GDPR Requirements**

Any breaches of GDPR, including breaches of data protection principles, must be reported as soon as they are discovered to the relevant programme Lead or the director of U-Educate. Upon notification, the Compliance Manager shall assess:

- The extent of the breach
- Risks to the data subjects resulting from the breach
- Existing security measures to protect the information

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- Immediate measures to mitigate risks to individuals

The Compliance Manager is tasked with initiating an inquiry into the breach, examining its origins, and determining if it could have been prevented. Any suggestions for additional training or procedural adjustments will be evaluated by the Senior Leadership Team and reported to the Governance Committee.

## **CONTACT**

For any comments or inquiries regarding this policy, please contact the Compliance Manager using the details below:

Compliance Manager- U-Educate, 24 the Courtyard, Gorsey Lane, Coleshill, Birmingham, B46 1JA

Email: [info@U-educate.co.uk](mailto:info@U-educate.co.uk)

If an individual believes that U-Educate has not adhered to this policy or has acted contrary to Data Protection Law, they should follow U-Educates Complaints Policy and Procedure and inform the Compliance Manager. Alternatively, individuals can lodge a complaint with the Information Commissioner's Office (ICO). However, the ICO advises attempting to resolve the issue with U-Educate before involving the regulator.

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**Completed by:** Adam Gray

**Signature:**

A handwritten signature in black ink, appearing to read "Adam Gray".

**Role/Position:** Director

**Date Completed:** 02/09/2025

**Review Date:** 31/08/2026

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