



## **Consent Procedure**

### **Applies to:**

- Whole school, including temporary staff and contractors. Compliance with data protection legislation is the responsibility of all members of Sinclair House School who process personal information. Therefore, this procedure applies to all personal data processed by the school.

### **Related Documents:**

- Safeguarding Children - Child protection
- First Aid
- Health, Safety and Welfare Policy and Procedures
- Risk Assessment
- Staff Manual

### **Available from:**

- The school office or Server room

### **Monitoring and Review:**

- To be continuously monitored and reviewed.

Signed:

Date: 20<sup>th</sup> April 2021

Proprietor and Principal

Review Date: April 2022

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### **1.0 Overview**

All personal data under the UK General Data Protection Regulation (UK GDPR) must be lawfully processed. Consent is a legal basis which can be used to ensure that personal data is lawfully processed. However, the use of consent is onerous and wherever possible an alternative legal basis should be sought. The School may be required to seek consent from Data Subjects which include staff, parents/guardians and pupils.

Consent provides individuals with real choice and control over use of personal data. Genuine consent puts individuals in charge, builds customer trust and engagement, and enhances reputation.

The UK GDPR provides five other ways of processing data that may be more appropriate than consent particularly in the education sector. It is unlikely that consent will be used for curricular activities as sufficient statutory powers exist which provide a more suitable legal basis.

Data subjects have the specific right to withdraw consent. The school is required to inform data subjects about their right to withdraw, and offer them easy ways to withdraw consent at any time.

### **2.0 Scope and Applicability**

This procedure applies to all personal data processed by the school and where the school is using consent as a lawful basis for processing personal data.

### **3.0 General Policy**

The School shall be able to demonstrate that the data subject has given explicit consent to the processing of his or her personal data.

Wherever consent is requested, clear, plain language that is easy to understand will be used. Data subjects will be required to positively opt in (pre ticked 'opt out' boxes will not be used).

### **3.1 Requesting Consent**

Consent must be freely given and the data subject must have a genuine choice as to whether or not they wish to provide their personal data. For example a staff noticeboard with photographs is not essential for the running of the school and therefore consent is likely to be required.

When relying on consent, the School ensures that the pupil understands what they are consenting to. The School will not exploit any imbalance in power in the relationship between the School and the pupil.

Extra Curricular activities which require the use of personal data (such as school photographs, after school Clubs) are likely to require written consent as there is unlikely to be another legal basis which applies.

The UK GDPR does not prescribe the age at which a pupil is considered to be a child with the exception of online services which are 13 years of age. The School shall be able to demonstrate that, where the data subject has given explicit consent to the processing of his or her personal data for online services, and the processing relates to a pupil under 13 years old, additional consent has been received by the person who is the holder of parental responsibility over the pupil.

The School shall be able to demonstrate that reasonable efforts have been made to establish the authenticity of the parental responsibility.

The School will make available Privacy Notices to Parents/pupils which will reflect that consent as a legal basis is being used.

### **3.2 Recording Consent**

The school will be responsible for keeping records of how and when consent was obtained. Records of consent and privacy notices which were provided should be retained for the duration of the processing activity. See Appendix 1 for an example pupil consent form.

### **3.3 Managing Consent**

The school will regularly review records of consent to ensure that they remain relevant and up-to-date. If the consent held by the school is no longer relevant, re consent will be sought at the appropriate time.

### **3.4 Withdrawal of Consent**

The school will ensure that individuals are able to withdraw their consent at any time and ensure that requests are promptly processed. See Appendix 2 for a Consent Withdrawal Form. Data subjects who choose to withdraw consent will not be penalised in any way.

## **4.0 Roles and Responsibilities**

The School (as a data controller) is responsible for requesting, recording and managing consent which includes processing withdrawal of consent from data subjects.

## **5.0 Compliance**

All staff are expected to comply with the School's policies to the highest standards. If any School employee is found to have breached this policy, they may be subject to the School disciplinary procedure. If a criminal offence is considered to have been committed, further action may be taken to assist in the prosecution of the offender(s).

## **6.0 Risk Management**

Risk management for NPW is set out in the Risk Management Policy.

## **7.0 References**

None

## **8.0 Definitions**

UK GDPR - The UK General Data Protection Regulation

## **9.0 Review**

This policy will be reviewed and updated on a regular basis, not to exceed 24 months.