

Multi Academy Trusts And The Implications Of The GDPR

Executive summary

In April 2018 The Epping Forest Schools Partnership Trust was formed. It comprises of 16 primary schools with associated bodies such as a teacher training facility and a school for those with special needs.

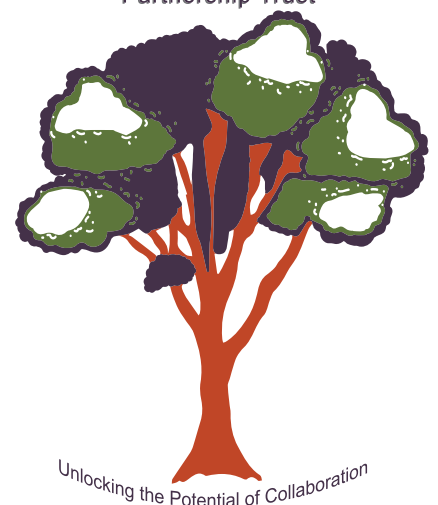
It is categorised as a Multi Academy Trust, or MAT, a status encouraged by the Department For Education (DFE) and is for, 'schools who see the benefit of working together with other schools, in a formal arrangement, choosing to work as a Multi Academy Trust'.

A single entity, a MAT allows schools to achieve strong collaboration, drive up standards and provide a consistent strategy and vision across a group of schools, working together.

Leading the way as CEO of The Epping Forest Schools Partnership Trust is Peter Tidmarsh. Not only does the role of driving the MAT 'fall on his shoulders' but also, as of May 25 2018, so did the implications and requirements, of the General Data Protection Regulations (GDPR).

"In our MAT we have
some 4080 pupils
and 900 members
of staff"

Epping Forest Schools
Partnership Trust



The General Data Protection Regulations

The General Data Protection Regulations came into force on May 25 2018, having been adopted by the EU in April 2016, replacing the EU Data Protection Directive.

With fines of up to 4% of annual worldwide turnover or €20 million, it introduces new obligations for both data processors and data controllers, including those outside of the EU.

Some of its demands include, having explicit and unambiguous consent from customers, based on specific purposes for use of their data and for specific periods of time. Individuals have the right to request a copy of all data that is held on them, including an explanation of how such data is used and if third parties have access.

It makes it critical to ensure that data is held securely using encryption. Any data breaches, which are likely to result in a risk for the rights and freedoms of individuals, must be notified within 72 hours to both the ICO (Information Commissioners Office) and, in some cases, to the individuals themselves.

“There was a lot of scaremongering about GDPR and Head Teachers were understandably worried.”

Any organisation whose core activity consists of regular and systematic monitoring of individuals on a large scale, or the core activities consist of processing special category data on a large scale, or public authorities, need to have a Data Protection Officer (DPO) and ensure that effective procedures are in place to handle relevant risks.

For a MAT such as The Epping Forest Schools Partnership Trust, which holds a myriad of sensitive information with many 'touch points,' the GDPR legislation was not only key to good data management, but also a possible 'nightmare in waiting'.

Implications For The Epping Forest Schools Partnership Trust

Initially and with experience of other enforced 'game changing' legislation having little impact, The Trust did not focus on the extent of GDPR. Some information was provided by Essex County Council, resulting in the thought that creating a Data Protection Officer, would suffice. However, it was soon realised that this was inadequate and that the issue was of far greater magnitude and importance. In early 2018, data security company, Digital Pathways, who were already involved in establishing GDPR compliance at one of the MAT member schools, was invited to address the Board of the MAT, on the implications of the GDPR across all of its schools and enterprises. Digital Pathways were subsequently tasked with ensuring that the MAT became compliant ahead of the legislations introduction.

“Digital Pathways came highly recommended to The Trust, having already been commissioned by one of the schools within our MAT.”

Facing The Challenges

Once an understanding of the legislation and its implications, for all of the schools, were realised, four key challenges emerged:

- The need for consistency of approach
- The need for a one-policy strategy, communicated to all
- The need for training
- The need for culture change

Digital Pathways set about the role of ensuring that the MAT became compliant ahead of the deadline, undertaking day-long visits to each school, to discuss with their leadership team, the implications of GDPR and, in open discussion, working through some of the key areas within the school where personally identifiable information (PII) was held. Although the general process of pupil/parent data in schools is common, the way in which each school processes and stores the data is subtly different and so, early discussions needed to assess their independent requirements.

During meetings with school leadership teams it became clear that schools also faced a challenge with third party organisations such as ICT support, after school clubs and even, Parent Teacher Associations. Such groups could no longer have access to parental data via the school, each needed to have their own policy. Digital Pathways facilitated many meetings with such groups to explain the new regulation and how they needed to conduct themselves, thereafter, working with the school to put in place compliant ways in which such groups operated within the school community.



“Using Digital Pathways was an enormous help. It was as if a weight had been lifted from us and Colin and his team were very well received by all our member schools.”

Following each meeting, Digital Pathways produced a folder which contained all the process documentation, statements and policies that each school required, along with comprehensive notes on key areas of PII data which was discussed during the opening meetings for the school, to allow the school to expand on and build, its own data flow.

As a result, with all audits completed on time, each school within the MAT had its own framework in place. Policies were instigated, consent letters issued, data flow mapping commenced and a second round of meetings scheduled, to implement a risk based approach and seek to apply mitigating controls where required.

Another critical issue was how to integrate technology and systems across the MAT.

Key Issues For Data Safety

Unlike many organisations, the data held by the MAT is hugely varied and, often, highly confidential. It includes examination results, personal details, medical records, financial records and safe guarding issues, to name a few. It is vital therefore, to ensure that systems are in place in order to understand what data is held, where it is held, who has access to any or all of the data, how the data is being accessed and why. Data access must be constantly monitored for any 'rogue' activity and systems updated when, for example, a member of staff leaves or is promoted with additional access abilities. Technologies are available to help with all such areas. However, often budgets are simply not there and so, awareness and training for MAT staff members, becomes critical.

For The Epping Forest Schools Partnership Trust, Digital Pathways undertook the role of Data Protection Officer, supported by GDPR 'champions' from each member school and nominated from their leadership teams. This way, whilst Digital Pathways is able to instigate strategy, implementation requirements can be managed locally.

The Trust has now been able to 'draw a line in the sand' in order to move forward with GDPR. From now on, data minimisation is key. Data, unless required to be kept by legislation, will move with the child/person and not be retained. Not only is this good practice, but also shields The Trust from Subject Access Requests (SARs), where a person is able to ask for copies of any information being held about them. This can be a time consuming and difficult task.

However, there remains the problem of how to manage the vast amounts of historical data, both digital and paper. Digital Pathways provided, within each school pack, retention details on most types of data held in schools and using this, most schools have been able to securely destroy data that is obviously no longer required, leaving a much smaller amount needing deeper investigation and manageable in volume.

“In the past we have had to dedicate a specific, secure room to house paper documentation and use certified shredding on-site. Going forward, data will travel with the pupil.”

Going Forward With Confidence

In early 2018 Peter, together with his senior team, realised the urgency of getting a robust data security strategy in place, across The Epping Forest Schools Partnership Trust, in time for the introduction of the GDPR.

“This process has been hugely liberating and has left us with a feeling of optimism.”

As a solution based entity, they nominated Digital Pathways, headed by Managing Director, Colin Tankard, to help them become compliant.

Working together and with all MAT school members, this has been achieved, seamlessly and on time.

As a result, both Peter and his team feel more confident than when they first considered the issue, over a year ago. All staff feel supported by Digital Pathways and each other, are positive about the need for and understanding of, data security and are confident that they are heading in the right direction for the future.

“With the support of Digital Pathways GDPR has not been the distraction we thought it would be to school life and, as such, has enabled us to concentrate on our day job of teaching and learning.”

Recommendations

Multi Academy Trusts have the benefit of scale. It enables them to shoulder complex issues, such as GDPR together, sharing expertise and cost. But, whether a Trust or a single school, the GDPR affects you and will not go away. Therefore, the following steps should be taken immediately, if not already established:

- Identify where personal data exists within the school ecosystem
- Create a record of all personal data processing activities to include the lawful basis, where the data came from, where it is stored, for how long and who it is shared with
- Identify special category data, i.e. SENCO, and classify accordingly within the GDPR PII guidelines
- Hold data safely and encrypt where necessary, but especially on laptops, in the cloud and back ups
- Manage the who, what, where, how and why of data access
- Ensure you understand where consent is required for the lawful processing of data, with consideration to staff, parents, pupils, stakeholders and any other third parties
- Ensure processes are in place to review data held within the organisation and, if it is still relevant, outside retention periods
- Consider using proven security technology to ensure secure communications between parties, especially emails or cloud-based storage services
- Appoint a Data Protection Officer (this can be internal or external appointment), as this is a requirement under GDPR.

“ We now feel confident in our understanding as to why good data management and compliance are needed.”

Next Steps

Once the core issues have been dealt with, there are ongoing tasks that need tackling. This is because any compliance project is a continuing journey of constant evaluation and improvement. It is even written within the GDPR that there should be regular testing of the security measures put in place. This refers to policies, procedures and technical controls. The testing could mean internal or external audits, vulnerability scanning or penetration testing of the network.

Also required is on-going training and awareness for staff. One training session, quite simply, will not suffice. Staff need to be made aware of the rights of the data subject and how this could affect them. For example, to date, most data subjects make enquiries to schools through the Freedom of Information Act and these enquiries are not generally about personal data.

The Freedom of Information Act does not give people access to their own personal data (information about themselves) such as their health records or credit reference file. If a member of the public wants to see information that a public authority holds about them, they should make a Subject Access Request under the GDPR. These enquiries were often never seen by teachers but dealt with by the administration and leadership teams. However, since the implementation of the GDPR, the market has seen a ten-fold increase in Subject Access Requests for personal data. These requests do not need to follow a standard format. They could be via a social media message, a letter or email, directly to a teacher. Staff need to be aware as to what such a request could look like and how they should react to it.

The same applies to the other rights of the data subject. As such, the development of a privacy strategy, building privacy into the daily working of the school, is essential.

This case study was produced in association with Peter Tidmarsh, CEO, The Epping Forest Schools Partnership Trust

All quotes are those of Peter Tidmarsh, CEO, The Epping Forest Schools Partnership Trust

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