

# **Privacy notice relating to the processing of personal data by the school, for the purpose of Accident and Incident Recording and Reporting (Health & Safety)**

**(Version 1.1 – wef 21.02.2023)**



Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

## About this privacy notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority (Rhondda Cynon Taf County Borough Council) (RCTCBC). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

## Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals including our current, past, and prospective pupils and their parents, carers or guardians (referred to in the notice as 'parents') for the statutory purpose of accident and incident recording and reporting.

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the nature of the accident or incident and those involved etc. Should you require further information relating to a specific accident or incident please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the school's;

- General Privacy Notice
- Health & Safety Policy

## **The Data Controller**

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Officer (ICO) as a controller.

## **How to contact us for data protection matters or concerns**

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods; by telephone, email, post and in person at the school.

Click [here](#) for the school's contact information.

## **The Data Protection Officer**

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- [Information.management@rctcbc.gov.uk](mailto:Information.management@rctcbc.gov.uk)

We recommend that, when contacting the DPO, that you send a copy of the correspondence to the school as the data controller.

## The categories of personal data we process

We may process the following categories of personal data to undertake our statutory functions relating to recording and reporting accidents and incidents.

### a) Personal data relating to the person who is reporting the accident or incident

- Name and contact details
- Class, Year (if a pupil at the school)
- Job role (if a teacher at the school)
- Relationship to the person who has suffered an accident or incident (if applicable)
- Information relating to the accident or incident e.g. time, date, location, details of what happened, those involved, action taken etc.

### b) Personal data relating to the person who has suffered an accident or incident

- Name and contact details
- Age/date of birth
- Class, Year (if a pupil at the school)
- Job role (if a teacher at the school)
- Accident or incident information e.g. time, date, location, details of what happened, action taken etc.
- Relevant medical information (if relevant to the accident or incident)

### c) Personal data relating to witnesses

There may be occasions where there is a witness to an accident or incident. A witness could be a member of staff, a pupil, visitor, a member of the public or a member of the Governing Body etc.

We are likely to process the following information relating to a witness;

- Name and contact details
- Who they are – e.g. employee, pupil, parent etc.
- Details of the accident or incident - what they have witnessed etc.

#### **d) Personal data relating to school staff and other staff**

Depending on the nature/location etc. of the accident or incident and those involved, it may be necessary to record information relating to any employees who were on duty at the time of the accident or incident etc.

The information we process is likely to vary but may include;

- Name and contact information
- Job role/title/duties
- Working pattern/hours/rota information (if relevant to the accident or incident)
- Training history (if relevant and applicable to the accident or incident)
- Details of the accident or incident – whereabouts at the time of the accident or incident, what they witnessed etc.

#### **Why we process the personal data**

We process the personal data to comply with statutory requirements relating to accidents and incidents. This may include but is not limited to the following activities;

- Recording the accident or incident
- Investigating the accident or incident
- Reporting the accident or incident to the Governing Body
- Recording the outcome of the accident or incident
- Reporting the accident or incident to the relevant authorities e.g. Local Authority, Health & Safety Executive
- Supporting any investigation undertaken by the relevant authority
- Producing reports relating to accident or incident e.g. number, type, location etc. of accident or incident (note whilst personal data is used to produce these reports, individuals are not identified in such reports)

## Our lawful basis for processing the personal data

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data to comply with statutory requirements relating to accidents and incidents is;

- **Legal Obligation** (c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Public Task** - Article 6 (e) – processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject

The primary legislation, regulations and guidance that supports this includes but is not limited to;

- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Social Security (Claims & Payments) Regulations 1979
- Health and Safety Executive guidance for schools

## Who or where we get the personal data from

We may receive the personal data from;

- The person reporting the accident or incident
- The person who has suffered the accident or incident
- Those involved in the accident or incident
- Witnesses to the accident or incident
- Relevant authorities e.g. Local Authority, Health & Safety Executive
- Emergency Services

The above individuals may include;

- Pupils
- Parents
- Governors
- School staff
- Local authority staff working at the school – e.g. breakfast club staff, school meals staff
- Visitors to the school / Members of the public

## Who we share personal data with

We may share personal data with the following key organisations to comply with statutory requirements relating to accidents and incidents.

When sharing the personal data, we only share the minimum amount necessary in relation to the purpose. The information shared and who it is shared with will depend on the nature and severity of the accident or incident and those involved.

<b>Who</b>	<b>Purpose</b>
Governing Body	Reporting; <ul style="list-style-type: none"><li>• All serious accidents, dangerous occurrences and near misses must be reported to the Governing Body.</li><li>• All violent incidents and near misses must be reported to the Governing Body.</li></ul>
Local Authority (RCTCBC) – Health & Safety team	Reporting; <ul style="list-style-type: none"><li>• All serious accidents must be reported to the Local Authority.</li></ul>
Local Authority (RCTCBC) – Education Department	Reporting; <ul style="list-style-type: none"><li>• All serious accidents, dangerous occurrences and near misses must be reported to the Education Department in accordance with the procedures issued by the LEA.</li><li>• All violent incidents and near misses must be reported to the Education Department in accordance with the procedures issued by the LEA.</li></ul>
Health and Safety Executive (HSE) and other relevant authorities	Reporting/Legal requirement; <ul style="list-style-type: none"><li>• The HSE is the enforcement body for health &amp; safety in schools. Information is shared where the incident / accident is notifiable / reportable under the Reporting</li></ul>



	of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).
Local Authority (RCTCBC) - Corporate Estates	In the case of damage to Local Authority property (school buildings)
Emergency Services	In the case of an accident / incident that requires emergency assistance.
Police	In the case of an accident / incident being a criminal matter.
Local Authority Business Support Services (RCTCBC)	<p>A number of Local Authority services support the business operations of the school in relation to accident and incident recording and reporting. This includes, but is not limited to;</p> <p>Insurance Section (and insurance claims handler) - If an Insurance claim is being (or is likely to be) made in relation to an accident or incident we may share information to support the claims process (see separate Insurance Claims privacy notice).</p> <p>Legal Services - If any legal action is (or is likely to be) taken in relation to an accident or incident, we may share information to support the legal action.</p> <p>Governors Support – Depending on the nature and severity of the accident or incident we may consult with Governors Support for advice, information and guidance etc.</p>

## Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to the processing of accident and incident data is;

- IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

## How long we retain the personal data

We retain the personal data contained within accident and incident records in line with the Information Records Management Society (IMRS) Information Management Toolkit for Schools.

Record	Basic Record Description	Statutory Provision	Retention period
Accident reporting – non RIDDOR reportable	School accident book/record  Accidents relating to individuals under or over the age of 18 at the time of the incident	Social Security (Claims and Payments) Regulations 1979  Social Security Administration Act 1992  Limitations Act 1980	3 years after the last entry in the accident book.
Accident reporting – RIDDOR reportable	Records relating to any reportable death, injury, disease or dangerous occurrence (RIDDOR)	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	Date of incident + 3 years.

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the record is retained for the entire retention period. Information that has no long term or evidential value is routinely destroyed in the normal course of business.

## **Your data protection rights**

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

### **Your right of access**

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data corrected**

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data deleted**

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to limit how organisations use your data**

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to object to the use of your data**

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to data portability**

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

Please contact the school's Data Protection Lead if you wish to make a request.

## **Your right to make a data protection complaint to the school**

You have the right to complain to the school if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact the Data Protection Lead in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email to the school. Should you wish to make a formal complaint you can do so via our complaints policy.

## **Your right to make a data protection complaint to the ICO**

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

## Version Control

<b>Version no</b>	<b>Valid From</b>	<b>Valid To</b>	<b>Comments</b>
1.0	09.08.2022	21.02.2023	Document creation. Final document.
1.1	21.02.2023		Amended to included availability of Welsh version